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# Letter dated 12 November 2012 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 4 of Security Council resolution 2021 (2011), I have the honour to submit herewith the final report of the Group of Experts on the Democratic Republic of the Congo (see annex).

In this connection, I would appreciate if the present letter, together with its annex, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Agshin **Mehdiyev**
Chair

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# Annex

## Letter dated 12 October 2012 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit the final report of the Group, prepared in pursuance of paragraph 4 of Security Council resolution 2021 (2011).

(*Signed*) Steven **Hege**

(*Signed*) Nelson **Alusala**

(*Signed*) Ruben **de Koning**

(*Signed*) Marie **Plamadiala**

(*Signed*) Emilie **Serralta**

(*Signed*) Steven **Spittaels**

## Executive summary

The eastern Democratic Republic of the Congo remains plagued by dozens of foreign and national armed groups. Instability has increased since the mutiny by former members of the Congrès national pour la défense du peuple and the subsequent creation of the Mouvement du 23 mars (M23) earlier in 2012. The rebels expanded their control over Rutshuru territory with extensive foreign support in July 2012 and have recently taken advantage of an informal ceasefire to enhance alliances and command proxy operations elsewhere.

The Government of Rwanda continues to violate the arms embargo by providing direct military support to the M23 rebels, facilitating recruitment, encouraging and facilitating desertions from the armed forces of the Democratic Republic of the Congo, and providing arms, ammunition, intelligence and political advice. The de facto chain of command of M23 includes Gen. Bosco Ntaganda and culminates with the Minister of Defence of Rwanda, Gen. James Kabarebe. Following the publication of the addendum to its interim report (S/2012/348/Add.1), the Group met the Government of Rwanda and took into consideration its written response. The Group has, however, found no substantive element of its previous findings that it wishes to alter.

Senior officials of the Government of Uganda have also provided support to M23 in the form of direct troop reinforcements in Congolese territory, weapons deliveries, technical assistance, joint planning, political advice and facilitation of external relations. Units of the Ugandan People's Defence Forces and the Rwandan Defence Forces jointly supported M23 in a series of attacks in July 2012 to take over the major towns of Rutshuru territory and the Congolese armed forces base of Rumangabo. Both Governments have also cooperated to support the creation and expansion of the political branch of M23 and have consistently advocated on behalf of the rebels. M23 and its allies include six sanctioned individuals, some of whom reside in or regularly travel to Rwanda and Uganda.

Taking advantage of a lull in combat on the official front lines, M23 has sought to build coalitions with other armed groups throughout the Kivus and in Ituri and Kasai Occidental. Col. Sultani Makenga emerged as the coordinator of the armed groups allied with M23. In August and September, he ordered Raïa Mutomboki to carry out brutal ethnically motivated attacks, burning more than 800 homes and killing hundreds of civilians from Congolese Hutu communities in Masisi territory, whose militias refused to ally themselves with M23.

The use and recruitment of child soldiers by armed groups, notably by M23, has increased. In particular, several M23 commanders with histories of child recruitment have overseen the enrolment and training of hundreds of young boys and girls. Furthermore, some M23 commanders have ordered the extrajudicial executions of dozens of recruits and prisoners of war.

The many attempts by M23 to forge a common front with ethnic Hema and Lendu armed groups in Ituri and the Banyamulenge community in South Kivu have encountered significant resistance. The Government of the Democratic Republic of the Congo has sought to counter the efforts of M23 to expand its alliances by promoting integration processes with armed groups, notably in Ituri and in Masisi territory.

At historically low numbers, the Forces démocratiques de libération du Rwanda (FDLR), although continuing to commit abuses against civilians, have become further isolated from external support and are focused on self-protection in the face of attacks by the Congolese armed forces and M23 allies. Junior FDLR officers have sought to ally themselves with the Government of the Democratic Republic of the Congo against M23, while some criminal networks within the Congolese armed forces continue to sell small amounts of ammunition to the rebels. There is, however, no evidence of strategic cooperation between FDLR and the Government.

Among Burundian rebel groups, the Forces nationales de libération remain divided and reliant on local Congolese armed groups, while the Front national pour la révolution au Burundi has now transformed itself into the Front du peuple murundi and allied itself with M23 in South Kivu. The Ugandan-led Allied Democratic Forces have expanded their military capacity and cooperated with Al-Shabaab networks in East Africa.

The Congolese armed forces continue to be plagued by criminal networks generating revenue for senior officers through their control over natural resources and contraband, including the trafficking of ivory from armed groups. The land forces commander, Gen. Gabriel Amisi, oversees a network distributing hunting ammunition for poachers and armed groups, including Raïa Mutomboki. Disarmament and stockpile management efforts have also been undermined by the increased demand associated with the M23 rebellion as the market price for small arms has risen fourfold.

The requirement of the Government of the Democratic Republic of the Congo for mineral exporters to exercise due diligence in accordance with United Nations and Organization for Economic Cooperation and Development guidelines has nearly halted all tin, tantalum and tungsten exports from the eastern Democratic Republic of the Congo, apart from north Katanga where mineral tagging was introduced in 2011. Smuggling into both Burundi and Rwanda is on the rise. The credibility of the mineral tagging system in place in Rwanda is jeopardized by the laundering of Congolese minerals because tags are routinely sold by mining cooperatives. Several traders have contributed to financing M23 rebels using profits resulting from the smuggling of Congolese minerals into Rwanda.

While tin ore production has decreased in the Kivus, tantalum and tungsten ore production has been resilient to international traceability demands, given that those minerals are more easily smuggled. Rwandan exports of tantalum and tungsten have experienced a corresponding increase during 2012, while tin ore exports have decreased.

Overall price and production decreases have had negative socioeconomic consequences in some mining zones. New commercial opportunities have, however, been created as mining communities have adapted to other economic sectors. Security has improved in most of the major tin and tantalum mining areas, which has led to less conflict financing and increased oversight and monitoring by civil authorities and non-governmental organizations.

Armed groups, criminal networks within the Congolese armed forces and miners easily shift to gold mines where due diligence requirements have not affected trade. Nearly all gold from the eastern Democratic Republic of the Congo is smuggled out of the country and channelled through a few major traders in Kampala and Bujumbura who ship out several tons per year, worth hundreds of millions of United States dollars. In the United Arab Emirates, most Congolese gold is smelted and sold to jewellers. The assets freeze imposed by the Security Council has not limited the operations of the previous owner of the sanctioned entity Machanga Ltd., who exports through other front companies and transfers large sums of money to suppliers in the Democratic Republic of the Congo.

# I. Introduction

1. Pursuant to paragraph 4 of Security Council resolution 2021 (2011), the Group of Experts on the Democratic Republic of the Congo submits the present final report in fulfilment of its obligation to report to the Council, through the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, before 19 October 2012. In its monitoring of the arms embargo introduced by the Council in its resolution 1493 (2003), the Group's primary role is to investigate and document evidence regarding the procurement of military equipment, including weapons and ammunition, by armed groups active in the Democratic Republic of the Congo, as well as their related financial networks and involvement in the exploitation and trade of natural resources. The Group adheres to a rigorous investigative methodology to ensure the greatest degree of accuracy of its assertions and conclusions. A more complete overview of its mandate and methodology can be found in annexes 1 and 2 to the present report. A list of entities with which the Group officially met can be found in annex 77.

2. The Group submitted an interim report to the Committee on 18 May 2012 (S/2012/348) and, on 26 June 2012, an addendum thereto concerning violations of the arms embargo and sanctions regime by the Government of Rwanda. The Group provided the Committee with a detailed response (see annex 3 to the present report) to the rebuttal by the Government of Rwanda of the addendum (see annex 4 to the present report).

# II. Congolese armed groups

## A. Mouvement du 23 mars

3. Since the Group submitted the addendum to its interim report, the Mouvement du 23 mars (M23) has continued to carry out military operations and expanded the terrain that it controls in Rutshuru territory, shifting the front line to 30 km north of the provincial capital, Goma. Composed of some 1,250 troops, mainly former Congrès national pour la défense du peuple (CNDP) soldiers who deserted from the Congolese armed forces, M23 faces challenges in carrying out independent operations and controlling newly gained positions owing to troop shortages.

4. Both Rwanda and individuals within the Government of Uganda have been supporting M23. While Rwandan officials have coordinated the creation of the rebel movement and its major military operations, the more subtle support of Ugandan officials has allowed the political branch of the rebel group to operate from Kampala and boost its external relations. The limited assistance provided by officers within the Uganda People's Defence Forces to M23 has nevertheless been decisive in its seizure of principal towns in Rutshuru.

5. Beginning in July 2012, a series of initiatives by the International Conference on the Great Lakes Region were launched to resolve the conflict in the eastern Democratic Republic of the Congo. In this context, on 16 August, the Conference mandated the President of Uganda, Yoweri Museveni, to convey to M23 the Conference's conclusion that the rebels must cease all offensive activities, leave the border and withdraw to their initial positions (see annex 5 to the present report). Nearly two months later, however, amid continuing efforts by the Conference, M23

has further consolidated its deployments and gained additional terrain with the help of allied armed groups and continued support from the Rwandan and Ugandan armed forces.

## 1. Support provided by the Government of Rwanda to M23

6. The Government of Rwanda has continued to support M23 and other armed groups in all categories of arms embargo violations previously documented by the Group. Rwandan officials have provided military support to M23 through permanent troop reinforcements and clandestine support through special forces units of the armed forces stationed alongside the Congolese armed forces in Rutshuru for joint operations. Officers of the Rwandan armed forces have also furnished the rebels with weapons, facilitated the evacuation of casualties to Rwanda and shared communication equipment with M23. Recruitment for M23 has continued in Rwandan villages, former CNDP officers have joined the rebellion through Rwandan territory and Front patriotique rwandais (RPF) members have collected funds for the movement. Rwandan officials created the political branch and government of M23 and provided political advice. M23 continues to be commanded by Gen. Bosco Ntaganda, a sanctioned individual who operates under the orders and guidance of Rwandan officials.

7. Various Southern African Development Community, European, Ugandan and Burundian intelligence agents also confirmed the Group's findings concerning Rwandan violations of the embargo.

### (a) Military support provided to M23 by the Rwandan armed forces

*(i) Troop support*

8. Rwandan troops continue to operate within the Democratic Republic of the Congo in support of M23. Troop shortages notwithstanding, in July 2012, M23 carried out large-scale operations and expanded the area under its control in Rutshuru. Officers of the Congolese armed forces, former officers of the Rwandan armed forces and current and former M23 members attested to the deployment of additional units of the Rwandan armed forces to reinforce all major rebel operations, as well as to the permanent deployment of Rwandan troops alongside M23 to consolidate control over acquired terrain. Border officials and former M23 soldiers repeatedly witnessed the arrival of Rwandan troops into the Democratic Republic of the Congo from Kinigi, the main Rwandan armed forces base in proximity to the Congolese border currently supporting M23 operations, and other troop deployments close to the Congolese border (see annex 6 to the present report). Current and former M23 soldiers observed a regular presence of Rwandan troops around the positions taken by Gen. Ntaganda and Col. Sultani Makenga, in addition to other M23 deployments.

9. Nine local leaders who saw Rwandan soldiers marching together with M23 members stated that the Rwandan troops could be easily identified by their distinct uniforms, equipment, patrolling style and accent when speaking in Kinyarwanda. During the Group's visit to Kigali from 23 to 25 July 2012, the Minister of Defence of Rwanda, Gen. James Kabarebe, confirmed that Rwandan units could be easily distinguished from M23 or other troops for all the above reasons.

10. Two current and five demobilized Rwandan soldiers, ordered by their commanders to join M23, confirmed the permanent presence of Rwandan forces in the Democratic Republic of the Congo (see annex 7 to the present report). They stated that, although Rwandan units frequently rotated, soldiers of the 305th brigade operating under the coordination of the Western Division commander, Gen. Emmanuel Ruvusha, had supported M23 operations in the Democratic Republic of the Congo. The Chief of Staff of the Rwandan armed forces, Gen. Charles Kayonga, confirmed to the Group that in July 2012 the 305th brigade had been deployed at Kinigi.

*(ii) Support provided by Rwandan special forces to M23*

11. Rwandan special forces deployed with the Congolese armed forces in Rutshuru have backed M23 operations. Following an agreement between the Democratic Republic of the Congo and Rwanda, two special forces units from the armed forces of both countries, including Rwandan troops commanded by Lt Col. James Casius, have conducted joint operations along the Rwandan border since 2011 (see S/2011/738, para. 116, and annex 8 to the present report).

12. Former and current M23 officers, in addition to senior commanders of the Congolese armed forces, told the Group that special forces platoons clandestinely supported M23 attacks. Five local villagers stated that Rwandan special forces held regular meetings with M23.[1] During a mission to the area, a member of the Group witnessed how an M23 commander communicated by radio with Rwandan troops for reinforcements.

13. Its reluctance to remove its special forces from rebel territory notwithstanding, the Government of Rwanda withdrew 344 soldiers on 1 September 2012. Former officers of the Rwandan armed forces, M23 members, armed group members and officials of the Government of the Democratic Republic of the Congo informed the Group that some of those special forces returned immediately to the Democratic Republic of the Congo and further operated with M23.

*(iii) Treatment of casualties at the Kanombe military hospital*

14. The Rwandan armed forces have evacuated casualties to Rwanda. Two former officers, a senior member of RPF and an ex-CNDP officer informed the Group that the rebels transported most injured Rwandan soldiers fighting alongside M23 to the Kanombe military hospital in Kigali. The Rwandan armed forces bury the deceased in the Kanombe military cemetery. An M23 collaborator interviewed by the Group visited the hospital after M23 operations had been conducted in the Democratic Republic of the Congo and confirmed the presence of dozens of wounded soldiers.

*(iv) Communication between M23 and the Rwandan armed forces*

15. Rwandan armed forces and M23 officers have harmonized their communication equipment in order to coordinate operations. According to former members of the Rwandan armed forces and RPF, in addition to M23 cadres, senior

[1] Following a small attack on its vehicles by bandits within M23 territory, the Group sought a security escort by an M23 commander, who called with his digital radio for reinforcements. The Group proceeded to discover that the escort was led by Rwandan special forces who had come from Kahunga.

officers of the Rwandan armed forces and M23 communicate through digital VHF radio systems used by the Rwandan armed forces, which those forces shared with M23 commanders. Operational radio communications at the junior level are conducted through commercial radio sets that M23 officers used within the Congolese armed forces and subsequently gave to officers of the Rwandan armed forces. Commanders of the Congolese armed forces are capable of intercepting the latter communications. Since it submitted the addendum to its interim report, the Group has obtained new radio intercepts of communications between commanders of the Rwandan armed forces and M23.[2]

*(v) Clandestine operations by the Rwandan armed forces and M23*

16. The Group has documented a pattern of Rwandan armed forces and M23 intelligence activities on Congolese armed forces positions around the front-line villages of Kibumba and Tongo, defending Goma and Masisi respectively. Since M23 initiated its operations, the Congolese authorities have captured two Rwandan soldiers and a demobilized Rwandan soldier in Kibumba (see annex 9 to the present report). The Group interviewed five other individuals, including two former Rwandan soldiers, an ex-Forces démocratiques de libération du Rwanda (FDLR) combatant who had been recruited by M23, an ex-M23 soldier and a Rwandan civilian who had been intercepted while gathering intelligence for M23 in Tongo (see annex 10 to the present report).

17. A series of targeted assassinations and grenade attacks took place in Goma in the first week of October 2012. M23 commanders told the Group that they would need to take Goma in order to secure the population. According to Government investigators, former Rwandan armed forces officers and community leaders, however, individuals from Gisenyi carried out the attacks with grenades routinely used by the Rwandan armed forces, under the orders of Rwandan armed forces officers and M23 members operating from Rwanda (see annex 11 to the present report). Congolese armed forces logistics officers stated that such grenades were not registered in their stocks. Following investigations into the attacks, the Congolese police arrested several individuals operating from Gisenyi, in addition to a former FDLR officer who the Rwandan armed forces had recruited to work within Rwandan special forces in Rutshuru immediately after his demobilization (see annex 12 to the present report). At the time of writing, investigations were continuing.

*(vi) Arms supplies*

18. The Rwandan armed forces continued to supply M23 with weapons and ammunition. M23 officers and soldiers have witnessed deliveries every two weeks by the Rwandan armed forces to the M23 headquarters in Runyoni since the outset of the rebellion. Col. Makenga showed those officers the large amounts of weapons and ammunition that the Rwandan armed forces had donated.

19. Several former M23 combatants witnessed increased deliveries of ammunition from Rwanda before specific operations. Four former M23 soldiers described how they had assisted in transporting boxes of ammunition from Rwandan armed forces bases in Kinigi and Njerima in Rwanda to the Democratic Republic of the Congo.

[2] The Group has placed these new radio intercepts in the United Nations archives for future reference.

**Attacks on Bunagana and principal towns in Rutshuru**

Rwandan armed forces commanders operated alongside M23 and provided logistical support during the July 2012 operations that enabled the capture of Bunagana, Rutshuru, Kiwanja and Rumangabo (see annex 13 to the present report). Ugandan armed forces commanders also supported those attacks. During the operation, the rebels killed a peacekeeper from the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) in Bunagana and fired on the MONUSCO base in Kiwanja (see annex 14 to the present report).

M23 soldiers, Congolese armed forces officers, M23 supporters and United Nations officials stated that, in addition to the Rwandan troops permanently stationed with M23, the Rwandan armed forces deployed more than 2,000 soldiers to seize Bunagana. According to several M23 soldiers, Rwandan armed forces commanders provided the rebels with heavy weapons such as 12.7 mm machine guns and 60 mm, 91 mm and 120 mm mortars, in addition to anti-tank and anti-aircraft launchers ahead of the attack. Rwandan special forces in Rutshuru also aided the rebels and fired 13 rounds at a Congolese armed forces combat helicopter during the takeover of Kiwanja.

According to former M23 officers and ex-Rwandan armed forces officers, the Rwandan troops who participated in the attack were part of both the 305th brigade and the ninety-ninth battalion. Lt Col. Kitoko Kadida commanded those units under the coordination of Gen. Ruvusha and the overall command of Gen. Kayonga. According to several former M23 officers and soldiers, Gen. Kayonga was present at the M23 headquarters in Runyoni during the operation.

Current and former M23 officers, politicians and Congolese armed forces officers confirmed that senior Rwandan and M23 officers jointly planned the attacks. Before these operations, Gen. Ntaganda, Col. Makenga and Col. Baudouin Ngaruye had travelled to Rwanda to meet Gen. Kabarebe, Gen. Nziza and Gen. Kayonga in Kinigi. The same sources told the Group that Col. Makenga had planned further details with Gen. Ruvusha.

Subsequent to the fighting in Rutshuru, Congolese armed forces officers and local leaders observed some 30 casualties on the battlefield, most of whom wore Rwandan uniforms (see annex 15 to the present report). M23 is the only armed group in all of the eastern Democratic Republic of the Congo that wears Rwandan armed forces uniforms. The Congolese armed forces recovered an AK-47 that had not been registered within Congolese armed forces stockpiles, a 60 mm mortar round with an elongated shell that did not correspond to mortars used by the Congolese armed forces and a Rwandan driving licence (see annexes 16, 17 and 18 to the present report, respectively).

**(b) Recruitment for M23 in Rwanda**

20. Recruitment within Rwanda by the Rwandan armed forces for M23 has increased in the past months. The main targets for recruitment are demobilized Rwandan soldiers and civilians, in addition to Congolese refugees. The Rwandan armed forces are continuing to forcefully recruit ex-FDLR combatants from the Mutobo demobilization camp (see para. 157). On the basis of numbers provided by dozens of former M23 soldiers who had escaped from M23 training camps, the Group estimates that since its creation M23 has trained at least 800 new soldiers.

21. Since the submission of the addendum to its interim report, the Group has interviewed an additional 48 former M23 combatants, 26 of whom are of Rwandan nationality.[3] Since the creation of M23, more than 50 Rwandan nationals from M23 have surrendered to MONUSCO, but the Government has refused their repatriation on the grounds that their nationality has yet to be established.

22. Before being sent to the Democratic Republic of the Congo, most recruits continued to transit through Gen. Ntaganda's Hotel Bushokoro in Kinigi, Rwanda. During its visit to Bushokoro on 21 August 2012, the Group confirmed that the premises of the hotel, surrounded by a protection unit of the Rwandan armed forces, corresponded to the descriptions that former M23 soldiers had provided (see annex 19 to the present report).

23. From Kinigi, Rwandan troops escort recruits through the Virunga National Park to Runyoni. Former M23 soldiers stated that, before reaching the Democratic Republic of the Congo, Rwandan armed forces officers had told them that they would be fighting for Gen. Ntaganda to take control of North Kivu, confiscated their telephones, burned their identity cards and instructed them to claim to be Congolese in the event of capture. According to the same sources, recruits who flee to Rwanda are brought back to M23 by Rwandan soldiers, at which point most are executed, detained or tortured.

24. M23 members, former Rwandan armed forces officers and politicians told the Group that Gen. Kabarebe was ultimately responsible for all M23 recruitment and that he ordered loyal Rwandan armed forces officers to facilitate recruitment operations within Rwanda.

25. Politicians, local leaders and former M23 soldiers informed the Group that M23 had established four training camps and had completed a second wave of training of separate groups of between 100 and 250 soldiers. The trainers, including Rwandan officers, brief recruits on the failures of the Government of the Democratic Republic of the Congo and explain their objective of liberating the Democratic Republic of the Congo.

26. Former M23 officers and soldiers told the Group that newly trained soldiers were immediately sent to the front lines to provide cover for M23 units. Owing to their lack of experience, almost half of the then new inductees were killed during combat operations in Bunagana, Rutshuru and Rumangabo in July 2012.

[3] The Group has now interviewed a total of 52 Rwandan nationals who have deserted from M23.

### (c) Facilitation by the Rwandan armed forces of desertions to M23

27. Since the Group submitted the addendum to its interim report, former CNDP officers and troops have continued to join M23. Several former CNDP officers and current Congolese armed forces officers said that Gen. Kabarebe or his assistant, Capt. Celestin Senkoko, had ordered them to desert. According to current and former M23 combatants and immigration officials, most officers who joined M23 did so using Rwandan territory. They stated that the deserters usually crossed the border at Goma and travelled to Ruhengeri, where Rwandan troops escorted them through the Virunga National Park to Runyoni.

### (d) Support for M23 political activities

28. Rwandan officials nominated the political leadership and government of M23. According to former Rwandan armed forces officers, M23 supporters and politicians, at the beginning of July 2012, Gen. Kabarebe imposed Jean-Marie Runiga Lugerero, a bishop, as the political coordinator of M23 (see annex 20 to the present report). Mr. Runiga, the former CNDP party representative in Kinshasa, travelled to Kigali before taking up his new post with the rebels. The same sources stated that Gen. Kabarebe had also unilaterally appointed the members of the M23 government named on 17 August 2012 (see annex 21 to the present report). During a visit by the Group to Bunagana on the day of the declaration, several M23 members were unaware that they had been nominated to a cabinet position.

29. According to M23 members, collaborators and politicians, while regional initiatives by the International Conference on the Great Lakes Region to resolve the conflict began in August 2012, Gen. Kabarebe and Gen. Nziza advised the rebels on how to update former CNDP demands to the current political context.[4]

### (e) M23 fundraising in Rwanda

30. RPF members have been recruiting sympathizers and raising funds for M23 from within Rwanda. Politicians, former Rwandan armed forces and CNDP officers told the Group that Rwigamba Balinda, a Rwandan senator and Rector of the Free University of Kigali, and John Rucyahana, a bishop (see S/2012/348/Add.1, para. 29), both RPF members, had overseen those activities in Rwanda and abroad. The same sources informed the Group that senior Rwandan armed forces officers and RPF officials diverted a portion of the financial contributions collected on behalf of M23 for their own benefit.

### (f) M23 chain of command in Kigali

31. Former M23 officers and soldiers stated that Gen. Ntaganda continued to serve as the highest commander of the rebels on the ground, while Col. Makenga was responsible for operations and coordination with allied armed groups. Rwandan armed forces officers and current and former M23 members also stated that the former CNDP leader, Gen. Laurent Nkunda,[5] a sanctioned individual, provided advice to M23 commanders and recruited for M23 in Rwanda.

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[4] Gen. Kabarebe and Gen. Nziza instructed M23 to return to the demands that it made during the peace process with the Government in 2008 and to add further elements that related to governance and development.

[5] Laurent Nkunda was designated for sanctions in 2007 while he was the leader of CNDP. See S/2012/348/Add.1, paras. 27, 31 and 34.

32. Rwandan officials exercise overall command and strategic planning for M23. Politicians, current and former M23 members, Congolese armed forces officers and former Rwandan armed forces officers all confirmed that Gen. Ntaganda and Col. Makenga received direct military orders from the Chief of Staff of the Rwandan armed forces, Gen. Kayonga, who in turn acted on instructions from the Minister of Defence of Rwanda, Gen. Kabarebe (see annex 22 to the present report). The Permanent Secretary of the Ministry of Defence, Gen. Jacques Nziza, provides strategic advice and oversees the provision of logistical support to M23. Gen. Kabarebe and Gen. Nziza have also played an instrumental role in sustaining the political activities of M23. According to former Rwandan armed forces officers, current M23 members and former M23 officers, Gen. Ruvusha manages the provision of military ground support to M23.

33. Several current and former M23 officers also stated that senior Rwandan officials travelled to the Democratic Republic of the Congo to hold meetings with M23 commanders. Gen. Kayonga has been at least three times to Runyoni to plan operations and reassure the rebels of the full support of the Government of Rwanda.

#### (g) Support for sanctioned individuals

34. Gen. Ntaganda continues to be based near Runyoni (see annex 23 to the present report), just a few kilometres away from the Rwandan border, and regularly travels to Rwanda, violating the travel ban. M23 officers loyal to Gen. Nkunda stated that they agreed to operate with Rwandan support only after reassurances from senior officials of the Government of Rwanda that the former CNDP leader would be freed and allowed to return to the Democratic Republic of the Congo. M23 officers said that, in violation of his travel ban, Gen. Nkunda had visited M23 in Runyoni to encourage his officers.

### 2. Support provided by the Government of Uganda to M23

35. While lower in intensity than the involvement of the Government of Rwanda, networks within the Government of Uganda have also supported M23 by facilitating the political and military activities of M23 members while permanently present in Kampala and by providing technical assistance, political advice and military support. Ugandan armed forces commanders sent troops and weapons to reinforce specific M23 operations and assisted in M23 recruitment and weapons procurement efforts in Uganda. Ugandan officials equally endorsed a laissez-faire policy, by which local military and civil authorities were authorized to cooperate with M23 because of their personal ties to the Rwandan armed forces or the rebels. Senior Ugandan armed forces commanders have also cooperated with Gen. Ntaganda and allowed him to visit and acquire a residence in Kampala, in violation of the travel ban and assets freeze. In an official communication with the Committee, lawyers hired by the Government of Rwanda have also cited support for M23 from Ugandan territory (see annex 24 to the present report).

#### (a) Military support provided by the Ugandan armed forces to M23

##### *(i) Troop support*

36. Members of the Ugandan armed forces have actively supported M23 in the Democratic Republic of the Congo, alongside their Rwandan counterparts. During its field missions to Rutshuru, the Group confirmed this with three Ugandan

intelligence officers, three Kampala-based diplomats and Ugandan and Congolese authorities and community leaders.

37. Three officials of the Government of Uganda, a Ugandan local leader and M23 cadres told the Group that, in July, the Ugandan armed forces had assembled troops from the Western Division headquarters in Mbarara and from Kisoro and sent them to the Democratic Republic of the Congo using deployments near the border. To facilitate Ugandan troop support, M23 placed agents at the Bunagana and Kitagoma border posts. During its visit to Kitagoma in August 2012, the Group observed M23 controls on the Congolese side and no officials present on the Ugandan side (see annex 25 to the present report).[6]

38. Local Congolese armed forces commanders and current and former M23 officers informed the Group that, in July 2012, the Ugandan armed forces had deployed a unit of some 600 soldiers of the Ugandan armed forces were present in Busanza, Democratic Republic of the Congo, to prepare the rebel attacks in Rutshuru territory. These same sources stated that the Ugandan soldiers had reinforced Rwandan troops already present and formed what they termed a "mixed brigade", which outnumbered the M23 troops. During that period, a former M23 soldier overheard a conversation between Ugandan armed forces and M23 commanders, using a commercial radio, during which they discussed the need to "decentralize the Kivus". The Group obtained a copy of radio intercepts in which Ugandan officers communicated with Rwandan and M23 officers during joint military operations, speaking with a Swahili accent described by several interpreters as being commonly used within the Ugandan military in addition to using some expressions in Kiganda (see annex 26 to the present report).[7]

39. Former M23 soldiers, local authorities and villagers were able to easily distinguish the Ugandan troops because they wore Ugandan armed forces uniforms and had distinct boots and military equipment. While the Ugandan troops spoke in English, Kiganda, Kinyankole or Swahili, Rwandan troops spoke in Kinyarwanda and M23 troops in a mix of Kinyarwanda and Swahili.

40. M23 cadres said that Ugandan armed forces officers introduced themselves as Ugandans. A local leader told the Group that a Ugandan armed forces officer had addressed the population in Kifumbira, a language spoken in south-western Uganda.[8] Medical personnel stated that another Ugandan armed forces officer unable to speak the local languages requested medicines from Rutshuru hospital in English.

41. The Group interviewed a Ugandan soldier arrested in the Democratic Republic of the Congo. He said that, after completing military training in Masaka, Uganda, his commanders had sent him to fight in the Democratic Republic of the Congo alongside three groups of 75 experienced Ugandan soldiers and other trainees. Two former M23 soldiers who fought together with the Ugandan armed forces stated that some of those soldiers were experienced, while the others had recently completed basic training. The Group twice interviewed another Ugandan national captured by

[6] The Government of Uganda informed the Group in writing that M23 had a military position at Kitagoma.

[7] The Group has placed these tapes in the United Nations archives.

[8] Kifumbira is a language that is very similar to Kinyarwanda and is spoken in Rwanda and the eastern Democratic Republic of the Congo.

the Congolese armed forces in Rutshuru territory, who refused to reveal more than his name and Ugandan armed forces membership.[9]

42. Following the large-scale operations in July 2012, a border official, two Congolese local leaders residing in Uganda and former M23 soldiers told the Group that the Ugandan armed forces and M23 had evacuated casualties to Uganda and transported them to the military hospital in Mbarara. The Group interviewed a former M23 officer and a civilian who had been tasked with evacuating the dead and injured across the border with a Ugandan armed forces escort.

*(ii) Arms supplies*

43. M23 has procured weapons and ammunition from Ugandan armed forces commanders. Col. Makenga had already begun purchasing weapons from support networks in Uganda before his desertion from the Congolese armed forces (see annex 27 to the present report). The Group gathered many accounts of weapons deliveries to M23 from within Uganda, in particular ahead of attacks in Rutshuru, including the following:

(a) Former M23 soldiers stated that Ugandan armed forces officers based in Kisoro had been supplying M23 with small quantities of weapons. One said that he had accompanied Col. Makenga to Kisoro on three occasions at the beginning of July 2012 and witnessed how Col. Makenga had procured weapons from Ugandan armed forces officers. On each occasion they had returned with 12.7 mm machine guns that they had received free of charge;

(b) A former M23 soldier stated that Ugandan armed forces commanders had brought heavy weapons, including 12.7 mm machine guns, to the hill overlooking Bunagana, on the Ugandan side of the border, in order to reinforce M23 during the attack and subsequently left them with the rebels after they had taken the town.[10] A former M23 officer told the Group that during the attack he had received several boxes of AK-47 and submachine gun ammunition from Ugandan soldiers stationed on the same hill;

(c) Two former Rwandan armed forces officers, two Congolese armed forces officers, an M23 cadre and a former M23 soldier stated that two trucks had transported weapons and ammunition to Bunagana before the attacks on Rutshuru and Kiwanja. According to a Congolese armed forces officer, the two trucks mainly contained RPG-7 grenade launchers and machine guns;

(d) Two M23 cadres and a Kampala-based businessman told the Group that Ugandan armed forces officers had met M23 representatives near the site of the arms production plant at the Nakasongola military base[11] to discuss weapons stored there. Ugandan armed forces officers had subsequently delivered the weapons and ammunition, including mortars, to M23 in Bunagana, around 19 September 2012. An M23 cadre, a Ugandan border official and an ex-Rwandan armed forces officer stated that a truck had offloaded weapons in Bunagana during that same week.

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[9] The Ugandan national has also refused to state anything to the Congolese officers overseeing his detention for more than two months.

[10] These heavy weapons remained on the Ugandan side of the border until the rebels had dislodged MONUSCO and the Congolese armed forces from Bunaganga, at which point Ugandan soldiers provided them to M23.

[11] The plant is operated by Luwero Industries.

**Attacks on principal towns in Rutshuru territory**

M23, Rwandan and Ugandan troops operated together during the July 2012 takeover of Rutshuru. Former Rwandan armed forces officers, border officials, Congolese armed forces officers and former M23 soldiers stated that, during the night of 5 and 6 July 2012, while M23 and Rwandan troops were engaged in combat in Bunagana, Ugandan troops had shelled the border town from their deployment on the hill overlooking the town and sent a unit of between 100 and 150 soldiers to fight alongside M23 and Rwandan troops. MONUSCO peacekeepers confirmed that the Congolese armed forces had been fired upon from Uganda.

The Group interviewed separately 15 eyewitnesses to the events, including Congolese and Ugandan border agents, Congolese armed forces officers based at the border, villagers, refugees, a former Ugandan armed forces soldier and M23 soldiers, who all observed Ugandan troops crossing into Bunagana in the middle of the attack by the Rwandan armed forces and M23.

Additional Ugandan troops crossed into the Democratic Republic of the Congo through three distinct locations during the two days prior to the 24 and 25 July 2012 operations against Rutshuru and Kiwanja. Four local leaders, two Ugandan officials, Congolese refugees in Uganda and former M23 soldiers witnessed four trucks crossing into the Democratic Republic of the Congo through Kitagoma to Busanza. Four other trucks entered through Bunagana and transported Ugandan troops and weapons to the front lines in Rutshuru town and Kalengera. Congolese armed forces and M23 soldiers estimate that these trucks transported some 300 additional Ugandan troops.

First-hand witnesses from Busanza told the Group that the Ugandan, Rwandan and M23 troops had forced some 30 young men to transport ammunition to Rutshuru and Kiwanja and then to evacuate the dead and injured on the way back to Kabira. The Group interviewed two civilians among the 30. Congolese armed forces officers, former M23 officers and local leaders saw the bodies of Ugandan soldiers after the battle.

Subsequent to the attack, the Congolese armed forces recovered several ammunition cartridges normally used by their Ugandan counterparts (see annex 28 to the present report).

### (b) Recruitment for M23 in Uganda

44. M23 cadres have been recruiting in Uganda with the support of the Ugandan authorities. Ugandan officials, a Ugandan border agent, a Ugandan community leader, current M23 members and collaborators, former M23 soldiers, former Rwandan armed forces officers, former CNDP officers, armed group members based in Kampala and a diplomatic source told the Group that those activities were

continuing in Mbarara, Kasese, Kampala and Kisoro, as well as in the refugee camps of Kisoro and Nyakivale.

45. Four Ugandan officials, a Congolese armed forces officer based in Bunagana, border agents and a former CNDP member told the Group that the Jomba locality chief based in Bunagana, Vincent Mwambutsa, regularly travelled to Kisoro to organize recruitment for and financial contributions to M23 with the Kisoro District Chairperson, Milton Bazanye, his ally, Willbaforce Nkundizana, and local Ugandan armed forces officers. On one occasion, a former M23 soldier confirmed that the rebels had recruited 28 Ugandan civilians in Kisoro. A Ugandan official in Kisoro personally witnessed the Ugandan armed forces taking recruits to the border.

46. M23 cadres and a rebel collaborator acknowledged that, in August 2012, M23 politicians Sendugu Hakizimana, alias "Museveni", and Déogratias Nzabirinda had proceeded together with Ugandan officials to recruit at the Nyakivale refugee camp in Uganda. Nine refugees interviewed by the Group in Nyakivale attested to recruitment for M23 in the camp. Three active M23 cadres, in addition to the Congolese authorities, informed the Group that, in July 2012, an M23 colonel, Innocent Kaina, had travelled from Bunagana to Kasese, Uganda, to recruit with the assistance of Ugandan armed forces officers.

47. Three former combatants who underwent training at the M23 camp in Runyoni attested to the presence of Ugandan nationals among the trainees. They also stated that, when recruits attempted to flee to Uganda, Ugandan armed forces returned them to M23.

### (c) M23 political activities in Kampala

48. M23 has developed its political branch out of Kampala. Politicians, M23 members and intelligence sources told the Group that the M23 delegation led by Mr. Runiga travelled to Kampala on 29 July 2012, before the summit of the International Conference on the Great Lakes Region held in Kampala on 7 and 8 August and before the Congolese authorities had authorized the Government of Uganda to facilitate a review of the agreement of 23 March 2009 with CNDP. According to the same sources, after consultations with Ugandan officials in Kampala, M23 leaders finalized the movement's 21-point agenda initiated in Kigali, ahead of anticipated negotiations (see annex 29 to the present report).[12]

49. Since the beginning of the regional initiatives, many M23 members have frequently travelled to Kampala and maintained a permanent presence in the capital. As at September 2012, the rebel movement had also rented two houses in Kampala, one of which the Group visited (see annex 30 to the present report).

50. While in Kampala, M23 cadres have been regularly meeting senior Ugandan military and civil authorities. In particular, a Ugandan armed forces officer, a Ugandan civil society member, several Ugandan politicians, intelligence agents, diplomats and former Rwandan armed forces officers told the Group that M23 met the military adviser to the President, Gen. Salim Saleh, and the Inspector General of Police, Lt Gen. Kale Kayihura. Three M23 cadres and M23 collaborators acknowledged that they had been engaging with those authorities on a weekly basis.

[12] The Group obtained these 21 points from representatives of the Government of the Democratic Republic of the Congo, who had received them from Ugandan officials.

M23 leaders and Ugandan officials told the Group that the Ugandan armed forces commanders provided the rebels with technical assistance and political advice, carried out joint planning and coordinated military support. During the Group's second official visit to Kampala, the Government denied that any M23 members had ever been in Uganda, the public knowledge of their presence there notwithstanding.

### (d) Coordination between M23 and the Ugandan armed forces

51. Two current M23 cadres, two former M23 officers, a Ugandan armed forces officer, a Ugandan community leader, a former Rwandan armed forces officer, several Kampala-based businessmen and a diplomat told the Group that Gen. Ntaganda maintained strong connections with senior Ugandan armed forces officers and directly coordinated the Ugandan military support provided to M23, in addition to facilitating initial contact with the M23 political delegation. A former M23 officer based in the position held by Gen. Ntaganda attested to multiple telephone conversations between Gen. Ntaganda and Ugandan armed forces officers.

52. A Ugandan armed forces officer, a Ugandan leader, an M23 cadre, politicians, intelligence sources, a Kampala-based diplomat and several businessmen stated that Gen. Saleh was principally responsible for the support provided from within the Ugandan armed forces to M23.

53. At the local level, a Ugandan official, a local leader based in Uganda, a current M23 cadre and three former M23 soldiers told the Group that, before M23 operations, Col. Makenga had travelled to Kisoro to meet Ugandan armed forces officers. Four Ugandan officials and two Ugandan armed forces officers stated that the commander of the 63rd battalion of the Ugandan armed forces, based in Kisoro, Maj. Charles Mukasa, had been in charge of coordinating the provision of support to M23 at the local level. A Ugandan civil society member, two M23 cadres and a Ugandan counter-intelligence report also affirmed that the Western Division commander of the Ugandan armed forces, Brig. Gen. Patrick Kankiriho, had overseen the provision of military support to M23, which included providing orders to Maj. Mukasa (see annex 31 to the present report).

54. Three Ugandan officials stated that, in May and July 2012, Gen. Kayihura had held meetings with the rebels in Kisoro. According to a Ugandan official, a diplomat in Kampala, a Western intelligence officer and an armed group member residing in Uganda, Gen. Kayihura frequently sent his deputy, John Ngaruye Ndungutse, in charge of counter-terrorism, to Kisoro to facilitate the provision of support to the rebels.

### (e) Support for sanctioned individuals

55. A Ugandan armed forces officer, intelligence agents and M23 cadres told the Group that Gen. Ntaganda maintained long-standing ties with Ugandan armed forces officers and intelligence agents. A Ugandan armed forces officer, a former Rwandan armed forces officer, former and current M23 officers, three Kampala-based armed group members and a Kampala-based diplomat told the Group that Gen. Ntaganda had undertaken clandestine travel to Kampala in June 2012, in violation of the travel ban. They also told the Group that he had purchased a house in Kampala for his family, violating the assets freeze.

## B. Armed groups allied with M23

56. The respite in major combat operations on the Rutshuru front lines notwithstanding, armed groups allied with M23 have conducted several attacks against the Congolese armed forces and gained ground in Masisi, Walikale and Uvira territories. Many of these attacks have included widespread violations of international humanitarian law. M23 also attempted to create alliances sparking instability in Ituri and the high plateau of South Kivu.

57. The leader of M23, Jean-Marie Runiga Lugerero, acknowledged to the Group that the movement was a broad coalition of armed groups, including Raïa Mutomboki. Other M23 members stated that they had formed an ideological alliance with Raïa Mutomboki. Gen. Kayonga told the Group during its visit to Kigali from 23 to 25 July 2012 that Raïa Mutomboki was a legitimate self-defence group protecting itself from a weak central Government, in the same spirit as M23.

### 1. M23 attempts to expand to Masisi and Walikale through Raïa Mutomboki, the Forces de défense congolaise and Nduma Defence of Congo

58. Raïa Mutomboki, the Forces de défense congolaise (FDC-Luanda) and Nduma Defence of Congo (NDC)[13] have formed a common front in Masisi and Walikale territories, operating under the orders of M23 commanders Gen. Ntaganda and Col. Makenga, with the objective of facilitating further M23 expansion. The instability caused by Raïa Mutomboki in Masisi prevented the Government forces from reinforcing the front lines in Rutshuru against M23.

59. Early in 2012, before his defection from the Congolese armed forces, Col. Makenga began supporting Raïa Mutomboki, originally established in Shabunda territory in South Kivu. Soldiers close to Col. Makenga, an ex-CNDP officer and intelligence sources told the Group that, before the beginning of the April 2012 mutiny, Raïa Mutomboki members visited Col. Makenga in Bukavu, where he supplied them with weapons and ammunition from his extensive private stocks, in violation of the arms embargo. The same sources stated that six of the soldiers led by Col. Makenga joined Raïa Mutomboki after M23 had been created.

60. Several community leaders have supported the expansion by Raïa Mutomboki into Walikale and Masisi territories, as have Rwandan officials. According to Congolese armed forces officers, local authorities and traditional leaders, Alexis Kalinda and Raymond Muhombo have travelled frequently to Kigali, where they have obtained funds to help to convince local chiefs to support the creation of Raïa Mutomboki groups in their zones of influence. A local chief supporting Raïa Mutomboki asked the Group for the contact information of Rwandan officials so that he could negotiate his financial compensation directly. Two other armed group members from South Kivu stated that, in July 2012, they met M23 representatives in Gisenyi who described how they provided large amounts of weapons and ammunition to Raïa Mutomboki.

61. Since May 2012, Raïa Mutomboki has established a presence in southern Masisi, notably among the ethnic Tembo communities in the area of Remeka. According to police and intelligence sources in Ngungu, the diversion of weapons and

[13] NDC is led by sanctioned individual and Rwandan armed forces collaborator, Sheka Ntabo Ntaberi. See S/2012/348/Add.1, paras. 36 and 52, and S/2012/348, paras. 60-63.

ammunitions by Congolese armed forces commanders linked to Gen. Ntaganda has been instrumental in the arming of Raïa Mutomboki. In Remeka, Lt Col. Musafiri distributed weapons to Raïa Mutomboki in July 2012. First-hand witnesses told the Group that, before joining M23, former CNDP Lt Col. Gakufe Japhet handed over 50 AK-47 rifles to the local chief of Ufamandu, to be given to Raïa Mutomboki.

62. Congolese armed forces officers and local leaders reported that, since his desertion from the Congolese armed forces on 27 July 2012, former CNDP Lt Col. Eric Badege had become the focal point of M23 in Masisi and commanded joint operations with Raïa Mutomboki. Former CNDP Col. Makoma Semivumbi Jacques, who had deserted from the Congolese armed forces in South Kivu in August 2012, travelled to Masisi to also reinforce Raïa Mutomboki alongside Lt Col. Badege.

63. A series of coordinated attacks carried out in August by Lt Col. Badege and Raïa Mutomboki jointly with FDC and NDC enabled M23 to destabilize a considerable part of Masisi territory. According to former combatants, Lt Col. Badege and Col. Makoma acted under the orders of Col. Makenga when they orchestrated the attacks. Local villagers who fled the offensives saw men under the command of Lt Col. Badege jointly operating with Raïa Mutomboki units.

64. This cooperation with M23 has led to internal fissures within Raïa Mutomboki in South Kivu, in the light of its original anti-Rwandophone ideology. Although he had already sent them communications equipment and weapons, when leaders based in South Kivu learned that Col. Albert Kahasha[14] was in fact a part of M23, they halted their cooperation with him.

### 2. Force œcuménique pour la libération du Congo

65. The Force œcuménique pour la libération du Congo (FOLC) is an armed group previously led by Mai Mai leader Bana Sultani Selly, alias "Kava wa Selly". In June 2012, FOLC forged an alliance with M23 in Beni territory with the backing of parliamentarian Antipas Mbusa Nyamwisi.[15] According to armed group members, Congolese armed forces officers and local leaders, Maj. Hilaire Kombi deserted from the Congolese armed forces in June 2012 and recovered dozens of weapons in the residence of Mr. Nyamwisi in Beni before joining Mr. Selly in the Semliki Valley. Weeks later, Lt Col. Jacques Tahanga Nyoro joined FOLC on instructions from Mr. Nyamwisi in order to assume its political leadership. Mr. Nyamwisi has also recruited ethnic Nande politicians for both FOLC and M23. On 3 August 2012, a small FOLC unit attacked the border town of Kasindi in a failed attempt to recover weapons.

66. Mr. Nyamwisi has travelled several times to Kigali to meet Rwandan officials and has established a FOLC liaison officer in Gisenyi, Andy Patandjila. According to several Congolese armed forces officers, Mr. Patandjila has been offering $1,000 to individuals to join the rebels. FOLC collaborators told the Group that both

[14] Col. Kahasha was previously a part of Mudundu 40, an armed group based in South Kivu. After entering the Congolese armed forces, he deserted in January 2012. See S/2012/348, paras. 106 and 126-128, and S/2012/348/Add.1, para. 43.

[15] Mr. Nyamwisi was previously the head of the rebellion by the Rassemblement congolais pour la démocratie-Kisangani/Mouvement de Libération in northern North Kivu and subsequently held several ministerial positions within the Government of the Democratic Republic of the Congo before joining the opposition prior to the elections of November 2011.

Maj. Kombi and Lt Col. Nyoro also communicated regularly with Col. Makenga in M23. The same sources and an M23 officer stated that Lt Col. Nyoro had travelled twice to Rutshuru to coordinate operations with M23, most recently during the final week of September 2012.[16]

67. Mr. Nyamwisi, in addition to his own contributions, has received financial support from several businessmen based in Beni and Butembo, including former Congolese airline operator Mango Mat (see S/2008/43, para. 90). In return, he has promised that the rebels will lower the taxes at the Kasindi border crossing to Uganda.

68. Former CNDP leader and sanctioned individual Gen. Kakolele Bwambale[17] also supports FOLC operations with intelligence and advice from Beni. According to M23 officers, intelligence officers and local leaders, Gen. Saleh of the Ugandan armed forces unsuccessfully attempted to reconcile Mr. Nyamwisi and Gen. Bwambale in order to establish a unified M23 command for Beni territory. Furthermore, Lt Col. Nyoro and Maj. Kombi have repeatedly met Ugandan military and civilian officials, including the Resident District Commissioner of Kasese, Lt Col. Muhindo Mawa,[18] in pursuit of financial and military assistance.

### 3. M23 attempts to expand the rebellion to South Kivu

69. M23 and its backers have adopted a strategy to expand their rebellion to South Kivu by supporting allied armed groups. According to several Banyamulenge leaders, the Government of Rwanda has pressured their community to rebel against the Government of the Democratic Republic of the Congo and to open a new front for M23. These same sources, Congolese armed forces officers and former combatants stated that sanctioned individual Col. Jules Mutebutsi had actively spearheaded those efforts in several confirmed meetings in the hopes of a military return to the Democratic Republic of the Congo.[19] The same sources also stated that the chief economist of the National Bank of Rwanda, Thomas Rusuhuzwa Kigabo,[20] and Agee Mugabe Shyaka[21] had carried out fundraising and recruitment efforts among Banyamulenge living in Rwanda. Diplomats and ex-combatants confirmed that the Government of Rwanda tasked Col. Mutebutsi, Mr. Kigabo and Mr. Agee with instigating an armed rebellion in South Kivu. Most Banyamulenge leaders and commanders in the Congolese armed forces, however, have refused and launched a counter-campaign to halt those efforts.

### 4. Mouvement congolais pour le changement

70. In Uvira territory in South Kivu, M23 has established a strong alliance with former Mai Mai commander and ex-CNDP officer "Col." Bede Rusagara, from the Bafuliro community. "Col." Rusagara is the commander of the Mouvement congolais pour le changement (MCC), an alliance composed of 250 fighters from

[16] Lt Col. Nyoro and Maj. Kombi have recently sent troops to reinforce M23 in its attempts to seize control of the strategic Ishasha axis in Rutshuru territory.

[17] The Committee designated Gen. Kakolele in 2004 for arms trafficking.

[18] Col. Mawa is a long-standing ally of Mbusa Nyamwisi. When FOLC attacked Kasindi, he was present.

[19] Col. Mutebutsi has been in Rwanda since 2004, following his brief takeover of Bukavu.

[20] Mr. Kigabo was previously a senior administrator of the Free University of Kigali.

[21] Mr. Agee recently denounced the Group's findings in an open letter.

several armed groups. While he denied to the Group that he worked with M23, he declared that he shared the M23 objective of fighting the Government of the Democratic Republic of the Congo.

71. According to Congolese armed forces officers, after the arrest of "Col." Rusagara on 4 February 2012, Col. Makenga and the tenth military region Deputy Commander, Col. Baudoin Nakabaka,[22] intervened to help him escape on 5 April before the ex-CNDP mutinies that led to the creation of M23. In June, the Group listened to a telephone conversation in which "Col." Rusagara stated that he regularly spoke with Col. Makenga. A community leader stated that "Col." Rusagara was also often in communication with Ephrem Bwishe, a worker in the M23 Department of Finance, Budget and Natural Resources. "Col." Rusagara stated that two of his brigade commanders were "Lt Col." Janvier Muyoboke, a former member of the Congolese armed forces who also regularly coordinated with Col. Makenga, and his brother, "Col." Thomas Ndoli.

72. Several armed group members and collaborators told the Group that Col. Nakabaka supported MCC. He facilitated the defection of "Col." Rusagara from the Congolese armed forces in 2011, attempted to convince other officers to join M23 and had coordinated, with Col. Makenga, operations to provide ammunition to MCC and other potential M23 allies in South Kivu.

73. MCC has sought to recruit Banyamulenge since the beginning of the M23 rebellion. In July 2012, a Congolese armed forces deserter, Nkingi Muhima, himself a member of the Banyamulenge community, joined MCC and became its spokesperson. "Col." Rusagara told the Group that currently half of his commanders were Banyamulenge. Although "Col." Rusagara denies recruiting outside the Democratic Republic of the Congo, Mr. Muhima told the Group that Banyamulenge "from everywhere", including from refugee camps in Burundi and Uganda, regularly came to join MCC.

74. Several MCC recruitment meetings were held in the Rwandan border town of Kamembe at the end of August 2012. According to a participant at one such meeting, MCC recruiter Maj. Eric Kimararungu, a former bodyguard of Col. Mutebutsi, told the young people "to go to the Democratic Republic of the Congo to fight". Following those meetings, more than five new recruits, including at least two Rwandan nationals, arrived from Rwanda on 1 September to join MCC. Another Rwandan national guided the recruits into the Democratic Republic of the Congo through Kamanyola along the border with Rwanda. Arrested on 2 September, the same individual stated that M23 collaborators had financed the transport of those recruits from Rwanda into the Democratic Republic of the Congo. According to text messages on his telephone, he had received a transfer of some $100 from Kanyana Immaculée, a close collaborator of Gen. Kabarebe according to Congolese armed forces and ex-CNDP officers, on the day of his travel to the Democratic Republic of the Congo (see annex 32 to the present report). The same individual received calls from Kanyana and "Col." Rusagara during the trip, after having received the latter's telephone number from Kimararangu (see annex 33 to the present report). On 3 September, Kanyana also transferred $4,000 to a confirmed courier of "Col." Rusagara in Uvira (see annex 34 to the present report).

[22] Col. Nakabaka provided weapons and ammunition to Mai Mai Yakutumba in 2011 (see S/2011/738, paras. 149, 154, 174 and 329). He supported the initial flight from Burundi of Agathon Rwasa in 2010 (see S/2010/596).

75. "Col." Rusagara stated to the Group that he was the leader of all armed groups in the Uvira plateaux and the Ruzizi plain. Burundian armed groups have also allied themselves with him. During a Congolese armed forces attack on the MCC headquarters near Runingu on 6 September 2012, the Congolese armed forces captured MCC officer Jeremy Rugombangabo after he was seriously injured. In a video recorded before his death, Mr. Rugombangabo stated that, although Mr. Muhima had recruited him, his commander was Col. Abdallah of the Burundian group Front du peuple murundi/Alliance divine pour la nation (FPM/ADN) (see paras. 114-115). He also said that MCC supplied food to FPM/ADN. A Mai Mai collaborator and Congolese armed forces officers affirmed that Forces nationales de libération (FNL) deserters had also joined MCC.

76. On 18 September 2012, MCC organized an attack on the Congolese armed forces training camp in Luberizi to steal stored weapons and ammunition. According to one of Mr. Bwishe's collaborators, Mr. Bwishe of M23 boasted about having helped to plan the attack. The Congolese armed forces killed two of the Banyamulenge troops led by "Col." Rusagara during the operation. Banyamulenge leaders told the Group that one of them was until recently a student in Kigali.

### 5. Alliance pour la libération de l'est du Congo

77. In July 2012, a group of Banyamulenge from the diaspora established the Alliance de libération de l'est du Congo (ALEC), an armed movement allied with MCC and M23. Its statute proclaims that the movement's objective is to "create an independent republic of the Kivu" (see annex 35 to the present report). Akim Hakizimana Muhoza was the original president of ALEC until recently. Mr. Muhoza, now based in Rwanda, had resided in Canada since 1996 before recently returning to the Great Lakes region. The Group has obtained e-mail records demonstrating his coordination of ALEC and financing of travel for military commanders (see annex 36 to the present report). Late in September 2012, the former Rassemblement congolais pour la démocratie[23] vice-governor of South Kivu, Tommy Tambwe,[24] who currently lives in Rwanda, replaced Mr. Muhoza as president of ALEC. Mr. Muhoza has become its vice-president.

78. According to arrested ALEC members, Mr. Muhoza has recruited young Banyamulenge throughout the Great Lakes region, including from refugee camps in Rwanda and Uganda. Statements made in this regard include the following:

(a) A former ALEC recruit stated that Jean-Marie Shaka, a key ALEC recruiter in Uganda, gave him $100 and promised a further $500 upon his arrival in South Kivu;

(b) An armed group representative in Kampala confirmed that M23 recruiters sent more than 40 young Banyamulenge and Bafuliro residing in Uganda to join ALEC and MCC in South Kivu;

(c) Another arrested ALEC member said that a group of young Banyamulenge from Uganda arrived in Uvira via Burundi at the end of August 2012. After an ALEC member had given them $350 for their transportation, the recruits travelled to the village of Rubarati in Uvira territory;

[23] A previous Government of Rwanda proxy group that became a Congolese political party.

[24] Also previously the head of internal security for the Rassemblement congolais pour la démocratie.

(d) On 1 September 2012, Congolese troops conducted operations against an ALEC unit in the village and killed a rebel. According to his identification card, 22-year-old Edouard Serugaba Bineza was a Rwandan national (see annex 37 to the present report).[25]

79. The Congolese armed forces have arrested several ALEC leaders, although Mr. Muhoza and Mr. Tambwe have found protection in Rwanda. The Chief of Staff of ALEC, Willy Kiyana Sebatware, detained on 23 August 2012, acknowledged to the Group that Mr. Muhoza had paid for his flight to Burundi from the United States of America and instructed him to join up with Mr. Muhima of MCC (see annex 38 to the present report). Another ALEC member stated that he met an MCC officer, Col. Bigaya, to discuss an operational partnership. Two ALEC members separately told the Group that the leaders of the movement had held meetings with M23 liaison officers on 2 September 2012 in Gisenyi, Rwanda.

80. ALEC has also sought to establish alliances with other armed groups in Fizi territory. On 17 August 2012, Mr. Muhoza and the ALEC Secretary-General, Jules Sebahizi, alias "Major", a Rwandan national who was formerly the Director of Planning within the country's Ministry of Public Service and Labour (see annex 39 to the present report), held a meeting in the Mai Mai Mayele camp in Lusambo. According to arrested ALEC members and pictures taken during the meeting, Mayele and other representatives of armed groups, including those of Mai Mai Yakutumba[26] and MCC, were present. ALEC members, including Mr. Muhoza and Mr. Sebahizi, had previously discussed the purchase of weapons for Congolese armed groups via e-mail (see annex 40 to the present report).

81. On 30 August 2012, Mr. Muhoza and Mr. Sebahizi invited Congolese armed group representatives for a follow-up meeting in Kigali. According to text messages obtained by the Group, Mr. Muhoza insisted on the location in Rwanda for security purposes, following the arrest of Mr. Sebatware (see annex 42 to the present report).

### 6. M23 attempts to ally itself with militias in Ituri

82. In Ituri, M23 and the Government of Rwanda have persistently reached out to armed groups to build a coalition, but have to date been unsuccessful. Popular support for M23 is limited and the Congolese armed forces have thwarted the expansion of newly created armed groups.

#### (a) Forces de résistance patriotiques en Ituri

83. The strongest rebel force in Ituri is the Forces de résistance patriotiques en Ituri (FRPI) of "Brig. Gen." Justin Banaloki, alias "Cobra Matata". In its interim report, the Group documented how FRPI had expanded its area of control owing to the security void left by the Congolese armed forces regimentation process at the end of February 2012 (see S/2012/348, paras. 51 and 52). Meanwhile, FRPI has been reaching out to the Government of the Democratic Republic of the Congo to negotiate its demobilization and integration into the Congolese armed forces (see

[25] The Group obtained e-mail exchanges illustrating that the family of Mr. Bineza in Kigali held Mr. Muhoza and Mr. Sebahizi responsible for his recruitment and death.

[26] While Yakutumba envoys visited Kigali several times and considered an alliance with M23, pushback from the Babembe community has prevented them from forming such an alliance (see S/2012/348/Add.1, para. 43).

para. 117). According to militia members and Lendu community leaders, however, "Brig. Gen." Banaloki has engaged simultaneously in negotiations with M23 regarding an alliance. The same sources informed the Group that:

(a) "Brig. Gen." Banaloki has been in regular telephone contact with Gen. Ntaganda and Gen. Kabarebe of the Rwandan armed forces to discuss an alliance with M23;

(b) A delegation of militia members, including an FRPI representative, travelled to Kigali to meet Gen. Kabarebe. The delegation received a cash amount of at least $15,000 (see S/2012/348/Add.1, para. 40). Local leaders and villagers explained that angry militia members shot in the air when they did not receive a share of the money;

(c) FRPI has been receiving several M23 envoys, including former CNDP cadre and Ituri militiaman, John Tibasima,[27] to persuade the rebels to launch military operations against the Congolese armed forces. Mr. Tibasima, who stayed with FRPI as part of cooperation by the Coalition des groupes armés de l'Ituri (COGAI) (see para. 85) until July 2012, brought with him dozens of former militiamen,[28] who contributed arms and ammunition from caches. In August, M23 Lt Col. Papy Maky Rutsholi and Maj. John Bebwa engaged with FRPI regarding collaboration with M23 after receiving a briefing in Kigali;

(d) In October 2012, "Brig. Gen." Banaloki granted safe passage to fighters of the Mouvement de résistance populaire du Congo (MRPC) heading from Djugu to Rutshuru to link up with M23 (see paras. 86-89).

84. FRPI controls the gold mining site of Bavi from where, according to an ex-FRPI combatant and inhabitants of Bavi, the rebels generate profits through illegal taxation and the direct sale of gold. According to traders in Bunia, gold from Bavi is of superior quality in the region, which makes it easy to recognize. The main buyers are traders from Bunia and Butembo. FRPI also sells gold directly to Ugandan armed forces officers posted along the Congolese border. A regular client, cited by Congolese armed forces, militia members and a Lendu community leader, is a former Ugandan armed forces officer, Alex Mugisha. In exchange for gold, he has delivered arms and munitions to FRPI at the Semliki border crossing.[29]

### (b) Coalition des groupes armés de l'Ituri[30]

85. COGAI is an umbrella organization, created in May 2012, aiming to unite Ituri militias. Although FRPI is officially a member of COGAI, and "Brig. Gen." Banaloki is presented as its president, M23 members, local businessmen and former militia members from the Hema community are the true driving forces behind COGAI. Support has come from Nestor Bamaraki, John Tibasima and the president of CNDP in Ituri, Mateso Savo. Mr. Bamaraki led the COGAI delegation travelling

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[27] John Tibasima is a lawyer who was a member of the Parti pour l'unité et la sauvegarde de l'intégrité du Congo and the Mouvement révolutionnaire congolais militias. He remains close to Chief Kawa of the Parti pour l'unité et la sauvegarde de l'intégrité du Congo.

[28] Many of these former combatants had fought for Thomas Lubanga.

[29] Mugisha left the Ugandan armed forces as a colonel in 2009.

[30] During a press conference in New York on 25 June, Rwandan officials referred explicitly to the Coalition des groupes armés de l'Ituri as a key potential threat to security in the eastern Democratic Republic of the Congo.

to Kigali to receive support (see S/2012/348/Add.1, para. 40). Mr. Savo is under investigation after a September 2012 raid by the Congolese armed forces on his family farm, where militia fighters had been harboured. COGAI has had a limited impact owing to its inability to secure the complete loyalty of FRPI. It has also failed to gain the support of the majority of the Hema community, which opposes the idea of a new armed group allied with M23 and the Rwandan armed forces.

### (c) Mouvement de résistance populaire au Congo

86. A second attempt to create a coalition of armed groups in Ituri was announced in August 2012 with the creation of MRPC. Former ethnic Hema militia members and both Tutsi and Hema Congolese armed forces deserters constitute most of MRPC. Although MRPC did not replace or abolish COGAI, it clearly emerged as a result of the failure of the latter to gain momentum. MRPC is divided, however. In its terms of reference (see annex 43 to the present report), it explicitly opposes M23, but members state that a wing maintains permanent contact with M23 and the Rwandan armed forces. When its president, Eric Dhedongha, and chief of staff, Jules Musafiri, were arrested, those in favour of an alliance with M23 split from the others. The breakaway faction is led by Lt Col. Rutsholi. It includes other envoys of the Government of Rwanda, such as John Tibasima and Maj. Bebwa, and demobilized former members of the Union des patriotes congolais (UPC), such as Charité Semire and a number of officers who have defected from the Congolese armed forces, including Col. Eric Ndole Panya, Maj. Nonzi "Taekwondo" Bondokana and Maj. Katanazi. MRPC affiliates explain that a small group of their combatants left Irumu for Rutshuru early in October 2012, after meeting M23 Col. Kahasha in the vicinity of Boga. This group includes several Rwandan armed forces liaison officers.

87. Ex-UPC combatants within and outside MRPC are under considerable pressure from M23 to enter into an alliance. Several senior M23 commanders formerly held command positions within UPC. Gen. Ntaganda, who was the chief of staff of UPC, has recruited ex-combatants by telephone. He has also sent instructions to the group led by Lt Col. Rutsholi group to recover a number of arms caches that he left in Ituri, including at the farm of Thomas Savo. M23 members and a local organization have explained to the Group that, in July 2012, M23 Col. Kaina, also a former UPC commander, travelled to Berunda and Degho[31] in Djugu territory for mobilization and recruitment activities.

88. Rwandan agents have contributed to these efforts. A Hema community leader, a COGAI commander and local leaders told the Group that ex-UPC members received calls from the secretary of Gen. Kabarebe, Capt. Senkoko, and from Rafiki Saba Aimable, a former liaison officer between UPC and the Government of Rwanda who both attempted to convince them to collaborate with M23.

89. The Congolese armed forces deserters within MRPC are remnants of two previous attempted mutinies.[32] Congolese armed forces commanders identified Lt Col. Germain Bahame, the second in command of the 911th regiment, based in Marabo, as the main M23 collaborator in Ituri who lobbied several of his fellow

[31] The headquarters of Gen. Ntaganda in UPC times.

[32] Mr. Lumbala confirmed that he had signed the statement with the Burundian authorities, but later claimed that the contents had been fabricated. Burundian intelligence sources stated that the declaration by Mr. Lumbala was official.

officers to desert. Lt Col. Bahame admitted to the Group that he had been contacted on several occasions by Gen. Ntaganda, Col. Makenga and Gen. Kabarebe, having previously served under the last-mentioned. All three instructed several Congolese armed forces officers with whom they had long-standing ties, to prepare an attack in Ituri, promising material support. Congolese armed forces and intelligence sources told the Group that Lt Col. Bahame provided weapons and ammunition to FRPI when he was posted in Marabo.

### 7. M23 attempts to open a front in the western Democratic Republic of the Congo

90. M23 has also sought to open a front in the western Democratic Republic of the Congo. Consequently, it has adopted a broader political platform, denouncing the flaws in the 2011 electoral process and the lack of good governance by the President, Joseph Kabila. This has enabled M23 leaders to reach out to the Congolese opposition and to create new alliances. Three M23 members and intelligence sources told the Group that M23 established contacts with the Union pour la démocratie et le progrès social (UDPS), whose representatives travelled to Bunagana to meet the leader of M23, Jean-Marie Runiga Lugerero.

91. Intelligence officers, M23 members and politicians told the Group that Rwandan officials had worked with Roger Lumbala, a Congolese parliamentarian and opposition member allied with UDPS. M23 members and Congolese officials told the Group that Mr. Lumbala travelled to Burundi, Rwanda and Uganda several times between June and August 2012 to meet the rebel leaders (see annex 44 to the present report). After his arrest in Bujumbura on 1 September, he signed an official statement to the Burundian police, in which he affirmed that Rwandan intelligence agents had invited him to Kigali to convince him to join M23 (see annex 45 to the present report and S/2012/348, box 3). During an interview with the Group, he later claimed that he had never been in Uganda and went to Rwanda only to see a friend.

92. According to M23 leaders, the rebels had tasked Mr. Lumbala with supporting Col. John Tshibangu, who had deserted from the Congolese armed forces with a small group of soldiers on 13 August 2012 in Kasai Occidental Province. Col. Tshibangu announced the creation of the armed group Mouvement pour la revendication de la vérité des urnes and hoped to rally discontented supporters of UDPS, who believed that opposition candidate Etienne Tshisekedi had in fact won the presidential elections held in November 2011.

93. M23 officers acknowledged that they were allied to Col. Tshibangu. Soldiers previously under the command of Col. Innocent Zimurinda of M23 had been redeployed to Kananga at the outset of the mutiny.[33] Former CNDP officers told the Group that several senior M23 commanders, including Gen. Ntaganda himself, attempted to convince Rwandophone officers stationed in Kananga to join Col. Tshibangu. Additional information on M23 and its support networks can be found in annex 46 to the present report.

[33] In January 2009, FDLR comprised more than 7,000 soldiers and officers. The Government of Rwanda contends that there are more than 4,000 FDLR fighters.

# III. Foreign armed groups

## A. Forces démocratiques de libération du Rwanda

94. FDLR is currently seeking to readapt its military capacity following the drying up of external support and in the aftermath of a succession of attacks on its positions and civilian dependents. Since April 2012, in the light of significant troop shortages, FDLR has consolidated its units into two sectors. Col. Pacifique Ntawunguka, alias "Omega", remains the commander of North Kivu and Lieutenant Col. Hamada Habimana has assumed the command of South Kivu. Each of the six FDLR subsectors is constituted of between 250 and 400 soldiers. The Group estimates that the rebels now number between 1,500 and 2,000 (see S/2011/738, paras. 93 and 94). While limited recruitment efforts continue in Uganda, Rwandan refugee populations in the Democratic Republic of the Congo no longer have sufficient young people to reinforce rebel ranks, according to ex-combatants.

95. Following a wave of targeted attacks by Raïa Mutomboki, the immediate concern of FDLR commanders has become the protection of their dependents. After initially launching brutal retaliatory attacks, FDLR in South Kivu has returned to Mwenga territory to distance itself from the threat of Raïa Mutomboki in Shabunda and Kalehe. In North Kivu, according to ex-combatants, FDLR has been forced to withdraw from its traditional headquarters near Kimua in Walikale and move deeper into the forest. The same sources stated that even senior commanders had begun to consider leaving the Kivus for the security of Maniema or Orientale Province.

96. Four FDLR subsectors have been strategically deployed in zones in which they can participate and control local commercial markets linked to mineral production. Ex-combatants have stated that, in the high plateau of Uvira territory, FDLR profits from the trade in wolframite via Bujumbura. Furthermore, it continues to benefit from the production and taxation of cannabis in North Kivu (see S/2012/348/Add.1, para. 43). According to former combatants, it still obtains most of its AK-47 ammunition from corrupt Congolese armed forces officers in exchange for cannabis or the profits from commercial activities in mining zones. Owing to the Government's focus on M23 in Rutshuru territory, FDLR has expanded control over commercial zones in southern Lubero. Currently, FDLR is deployed alongside Union des patriots congolais pour la paix forces allied with M23 and led by "Gen." Kakule Sekuli LaFontaine (see S/2012/348, paras. 100-102), in and around the gold market of Bunyatenge.

### 1. Repatriation of former members of the Forces démocratiques de libération du Rwanda to Rwanda

97. According to MONUSCO records, between 1 January and 30 September 2012, 867 combatants officially deserted from FDLR and returned to Rwanda. MONUSCO also demobilized another 151 Congolese members of FDLR. Repatriation rates have, however, diminished significantly since February, when 141 combatants returned home, compared with only 47 in September. The only senior FDLR officer to return to Rwanda since the outbreak of the M23 rebellion has been Lt Col. Etienne Mbarushimana, on 24 May.

98. According to several ex-combatants, FDLR officers are fearful that, if they return to Rwanda, the Government will force them to join the reserve force of the

Rwandan armed forces and redeploy them to the Democratic Republic of the Congo. In addition to those sent to reinforce former FDLR commander Col. Mandevu within M23 (see S/2011/738, para. 64), former combatants confirmed that the Rwandan armed forces had redeployed small units of ex-FDLR combatants to the Democratic Republic of the Congo for intelligence-gathering missions and to reinforce M23.

99. An increasing number of deserters from FDLR either seek to integrate into local communities or to flee to Zambia. Instead of merging his battalion and moving northwards in South Kivu, the former FDLR commander in Kilembwe (Fizi territory), "Lt Col." Tharcisse "Sharaf" Uwimana, deserted from the movement in June 2012 and travelled to Zambia. In addition, the lone remaining FDLR liaison officer in Uvira fled for Zambia in April.

### 2. Alleged support by the Congolese armed forces to the Forces démocratiques de libération du Rwanda

100. Between May and July 2012, the Government of Rwanda alleged that there had been 15 cases of cooperation between the Congolese armed forces and FDLR (see annex 47 to the present report). The Group has been unable, however, to independently confirm these specific claims and the Government of Rwanda has refused to meet the Group to provide any further details. In one case, the Government alleges that, on 5 June, the Congolese armed forces provided safe passage to two FDLR companies to infiltrate Rwanda. The Rwandan armed forces have, however, recently reinforced their deployments along the border between Rwanda and the Democratic Republic of the Congo, in view of their support for M23, thus making it highly improbable that two FDLR companies could enter Rwandan territory unnoticed.

101. Furthermore, the Government of Rwanda also alleged that the Congolese authorities facilitated a visit by two Belgian nationals, Faustin Murego and Joseph Nzabonimpa, to negotiate an alliance with FDLR to fight against M23 in June 2012. Congolese intelligence services arrested the two men but released them on 10 July. The Government of Belgium told the Group that it possessed no information regarding support by the men for FDLR.

102. According to senior Congolese armed forces officers, mid-level FDLR commanders have sought to establish operational alliances with Congolese armed forces units in Rutshuru territory. Instead of cooperating with the rebels, however, the Congolese armed forces have mounted operations against FDLR on several occasions, including near Tongo in August 2012 and near the Ishasha border crossing with Uganda late in September 2012. During the latter attack, the Congolese armed forces cooperated with "Col." Muhima Shetani and his Mai Mai group to dislodge the last remaining FDLR liaison antenna unit. Nevertheless, Congolese armed forces officers do acknowledge that operations against FDLR have been significantly reduced since the outbreak of the M23 rebellion, as they seek to avoid overstretching themselves.

103. Several oral and written requests notwithstanding, and past precedent to the contrary, the Government of Rwanda did not authorize the Group to conduct interviews with former FDLR combatants at the Mutobo demobilization centre in Rwanda.

## B. Allied Democratic Forces

104. The Allied Democratic Forces (ADF) are a Ugandan-led Islamist rebel group based around the Rwenzori mountains of North Kivu. According to MONUSCO and Ugandan estimates, during 2012, ADF has increased in strength to more than 1,300 combatants, of whom 800 are trained and well-equipped fighters. The ADF military commander continues to be Hood Lukwago, while sanctioned individual Jamil Mukulu remains the supreme leader. The Ugandan authorities and ex-combatants confirmed the presence of Mr. Mukulu alongside ADF for several months early in 2012. The Kenyan authorities, however, told the Group that they believed that he was currently based in the United Republic of Tanzania.

105. The Group has independently gathered several examples that support the assertions of the Government of Uganda that ADF collaborates with Al-Shabaab in Somalia. According to former combatants, ADF trained groups of young people in its camps for several months before sending them to Somalia to fight. The first of these groups departed the camps in November 2011. After the arrest in Nairobi of the son of Mr. Mukulu, Bikumbi Hassan Mukulu, Al-Shabaab agents Mustapha Kamau and Jacob Musyoka posted his bail in November 2011. Several Kenyan intelligence agencies confirmed that those individuals were members of Al-Shabaab and supported Mr. Mukulu and his family when in Nairobi.

106. While the Group was unable to speak with Mr. Hassan after he was eventually recaptured and extradited to Kampala, Ugandan intelligence agents told the Group that he had informed them that several businessmen linked to Al-Shabaab resided in the Eastleigh suburb of Nairobi and worked with his father. Kenyan intelligence agents told the Group that they possessed records of telephone conversations between Mr. Mukulu and Al-Shabaab agents residing in Eastleigh.

107. According to ex-combatants and Ugandan intelligence agents, ADF has strong support networks in the United Kingdom of Great Britain and Northern Ireland. Following their arrest on 30 November 2011, Congolese officials repatriated ADF political cadres Hoods Sempebwa and Habibi Kiwanuka to the United Kingdom (see S/2012/348, para. 31). The two play an important role in coordinating diaspora support networks. ADF also operates financial support cells at the port of Tanga in the United Republic of Tanzania and in Bujumbura, Kigali and Nairobi. According to ex-combatants, couriers transport financial resources generated by those cells to ADF by crossing through the Kasindi border post from Uganda to the Democratic Republic of the Congo. ADF also generates local revenue through several business arrangements in Beni territory. According to ex-combatants, local leaders and Ugandan authorities, the rebels profit from taxation on illegal timber production west of Erengeti and several gold mines near Bialose village along the Lesse River. Nevertheless, ADF has increased its attacks on civilians accused of not respecting business arrangements or providing intelligence to the Congolese authorities (see S/2012/348, para. 20).

108. The extensive recruitment networks of ADF persist throughout Burundi, Uganda and the United Republic of Tanzania. The movement continues to use the Ugandan border town of Bwera as a transit centre for its recruits. According to ex-combatants and the Ugandan authorities, however, new recruits and political officers visiting the rebels from abroad are increasingly passing through Kigali to Goma and travelling northwards to Beni. ADF recruits include children, as

exemplified by the case of a rebel recruiter who was captured by Ugandan authorities in Kasese with six young boys on his way to the Democratic Republic of the Congo in July 2012.

109. ADF is increasingly targeting recruits from East Africa. In April 2012, senior ADF leaders gave their Congolese combatants a chance to freely depart the movement. From 1 January to 30 September 2012, MONUSCO repatriated only nine former ADF members.

110. In the face of potential MONUSCO air strikes (see S/2012/348, para. 19), Congolese and Ugandan intelligence officers and community leaders informed the Group that ADF had obtained anti-aircraft weapons. They described the arrival of such weapons in July 2012, requiring six ADF collaborators to transport them from near Oicha westwards towards ADF camps.

111. Ugandan officials acknowledged to the Group that a Ugandan armed forces battalion based on Mount Rwenzori regularly entered Congolese territory to conduct reconnaissance operations on ADF positions in Beni territory. Senior Congolese armed forces officers have never authorized these sporadic Ugandan armed forces deployments into the Democratic Republic of the Congo.

## C. Forces nationales de libération

112. FNL remains divided and weakened in South Kivu, relying on reinforcements from Congolese armed groups. Moreover, the Burundian army conducted joint operations against the rebels with the Congolese armed forces in Uvira territory early in October 2012. Agathon Rwasa has largely withdrawn from direct involvement in FNL activities in the Democratic Republic of the Congo. Since his departure from the former FNL base near the Burundian border in Kiliba, "Gen." Antoine "Shuti" Baranyanka and his deputy "Maj." Evelyn live alongside Mai Mai Mayele in Lusambo, Fizi territory. According to several armed group members, the former deputies of Mr. Baranyanka, "Gen." Aloys Nzamapema and "Col." Logatien Negamiye, have set up another camp in Mushule, in the Uvira plateaux, with about 70 troops.

113. Former combatants told the Group that "Gen." Nzamapema was allied with the Congolese groups of Mai Mai Baleke and Mai Mai Fujo, during addition to the Burundian group FPM/ADN (see paras. 114-115), in particular during combat operations against the Congolese armed forces. A Mai Mai Baleke combatant described how FNL supplied Mai Mai with ammunition. Former combatants, including FDLR soldiers, also described cooperation between FNL units led by "Gen." Nzamapema and FDLR units, which visited Mushule camp several times in July 2012. "Gen." Nzamapema delivered food and several boxes of ammunition to FDLR in Itombwe in August 2012. FNL units attacked Burundian Government forces in Bubanza Province late in July 2012 without major success. Lastly, FNL continues to forcibly recruit in Burundi.

## D. Front du peuple murundi

114. The Group previously identified 40 Burundian Tutsi combatants from the Front national pour la révolution au Burundi (FRONABU), allied with FNL, in the

middle plateau of Uvira, and widely known as "les gens de Sinduhije" (see S/2012/348, para. 31). FRONABU has since been transformed into FPM, which is the armed branch of ADN. Until recently, both groups, made up of 40 fighters in total, shared the FNL camp in Mushule. The website of FPM/ADN[34] states that its president is Guillaume George Majambere, a Burundian living in Belgium (see annex 48 to the present report).

115. In July 2012, a Burundian FPM combatant and another from FNL separately declared to the Group that Col. Abdallah and Col. Jean Claude Kasongo were the leaders of FPM/ADN and that Burundian opposition leader Alexis Sinduhije had financed them to begin their armed struggle in the Democratic Republic of the Congo. Late in September 2012, armed group collaborators also told the Group that "Alexis Sinduhije's men" had joined with the MCC troops in Runingu (see para. 75). In June, the Congolese armed forces also arrested two FPM combatants who stated that Mr. Sinduhije had backed their rebellion and that they had been collaborating with ex-CNDP mutineers working for Col. Makenga.

## IV. Integration challenges facing armed groups

116. The efforts of the Congolese armed forces to integrate Congolese armed groups during the current crisis are driven by three objectives: to reinforce the ranks of the army following desertions to M23; to undermine M23 efforts to establish alliances; and to complement reform plans that include recruitment drives to replace injured and elderly soldiers. As such, senior Congolese armed forces officers told the Group that those armed groups would not constitute distinct auxiliary forces but strengthen current units already overstretched in the face of M23.

117. In Ituri district, while FRPI leadership has remained in contact with M23 envoys in negotiating an alliance, the Congolese armed forces have encouraged "Gen." Banaloki, using significant financial incentives, to consider integrating. By the end of September 2012, more than 900 FRPI soldiers had regrouped in three camps for official registration and received nominal monetary sums and food items. The Congolese armed forces estimate that the number of FRPI core soldiers does not surpass 350, however.[35]

118. Since the outbreak of the M23 rebellion, the Alliance des patriotes pour un Congo libre et souverain (APCLS) (see S/2012/348, paras. 55-57) has received increased support from ethnic Hunde collaborators in the form of uniforms and ammunition. After APCLS began cooperating with a faction of FDC that was loyal to the Government and led by Lt Col. Bwira, a disgruntled Hunde commander, late in July 2012, the senior leadership of the Congolese armed forces made efforts to negotiate the integration of these armed groups.

119. On 21 August 2012, civilian and military representatives of the Government visited the APCLS commander, "Gen." Janvier Buingo, in his headquarters in Lukweti. Several subsequent meetings and scheduled regroupings of both the Hunde rebel groups notwithstanding, no specific action has taken place to date. According to community representatives, APCLS resented the decision of the Congolese

[34] http://adn-burundi.org/index.php/79-accueil/89-vision-accueil.

[35] These estimates suggest that FRPI has inflated its numbers for the purposes of the integration process with the Congolese armed forces while it undertakes parallel negotiations with M23.

Supreme Court in September 2012 to recognize the results of the legislative elections in Masisi, given that one of its key supporters, Bakungu Mitondeke, was not re-elected.

120. In the context of a general struggle between M23 and the Government of the Democratic Republic of the Congo for the support of the Hutu community,[36] the Government has made efforts to integrate the local Hutu militias in southern Masisi and northern Kalehe territories, known as "Nyatura". Most Nyatura commanders are former Congolese armed forces officers who deserted in 2010 and 2011 owing to their marginalization in the context of mounting ex-CNDP power and influence within the army (see S/2012/738, paras. 242 and 347).

121. During the attacks carried out late in August and early in September 2012 by Raïa Mutomboki, senior Congolese armed forces officers, including the land forces commander, Gen. Gabriel Amisi (see S/2011/738, paras. 191, 205, 453, 469, 471 and 514), instructed the Congolese armed forces units in Masisi to work with the Nyatura. Congolese police and local authorities informed the Group that, in July 2012, Gen. Amisi had sent a Congolese armed forces truck to deliver around 300 AK-47 rifles to Nyatura militia members. Several Congolese armed forces officers, including Lt Col. Nkunduwera, distributed weapons and ammunition to Nyatura militias on behalf of Gen. Amisi.

122. In Kasake, southern Masisi, villagers stated that, when Raïa Mutomboki first attacked, the Congolese armed forces retreated and returned with Nyatura reinforcements. In mid-September 2012, the Group met Nyatura commanders and Congolese armed forces officers in Ngungu, who acknowledged that they had begun working together to resist Raïa Mutomboki.

123. Gen. Amisi held several meetings with Nyatura representatives regarding their integration in September 2012. The Nyatura commander, Haburigira, has requested that the Congolese armed forces immediately redeploy to the areas controlled by the militia members and ensure the protection of Hutu communities against Raïa Mutomboki attacks.

124. Although the Congolese armed forces had already begun reassembling Nyatura in Mushake early in October 2012, several challenges remain for the integration of Nyatura. Nyatura commanders fear losing control of revenue generated from taxation and control over small-scale mining. Moreover, Nyatura soldiers without prior Congolese armed forces experience fear being excluded from the process. Lastly, FDLR deserters living among Congolese Hutu communities may attempt to infiltrate the process to remain in the Democratic Republic of the Congo.

125. For its part, M23 has also sought to ally itself with Nyatura because some original founders in Kalehe territory have to date refused to take part in the Congolese armed forces integration process. In July 2012, the Congolese authorities arrested individuals working with Xavier Chiribanya (see S/2012/348/Add.1, para. 41), who acknowledged transferring $2,000 to Nyatura commanders in South Kivu on his behalf.

126. North of M23 territory, the Congolese armed forces have sought also to establish an operational alliance with the Front populaire pour la démocratie under

[36] Several important Hutu commanders, including the 3rd sector commander, Col. Sadaam Ringo, deserted from M23 in September and October 2012.

the command of Col. Shetani Muhima, along the route leading to the border post of Ishasha. According to senior commanders, the Congolese armed forces worked with Col. Muhima to dislodge FDLR in Ishasa[37] late in September 2012.[38]

# V. Criminal networks within the Congolese armed forces

127. The Group has investigated criminal networks within the Congolese armed forces that are cooperating with armed groups in Orientale Province.

## A. Mai Mai Morgan

128. Paul Sadala, alias "Morgan", is a poacher operating in the territories of Mambasa, Lubero and Bafwasende in Orientale Province. In 2012, he launched violent raids on Congolese armed forces and Congolese Wildlife Authority[39] positions, while committing serious abuses against civilians. On 24 June, the rebels attacked the okapi reserve[40] ranger station in Epulu, killing at least three people and 14 okapi. Consequently, the military prosecutor in Bunia issued an arrest warrant for Mr. Sadala and opened an investigation for war crimes including murder and rape (see annex 49 to the present report).

129. Mr. Sadala has cooperated with a criminal network led by 9th military region Commander Gen. Jean Claude Kifwa in Kisangani, whereby the military supplies arms, ammunition, uniforms and communication equipment to Mai Mai Morgan in exchange for ivory. The Group confirmed this with two armed group collaborators, a Congolese armed forces officer, a Congolese Wildlife Authority staff member, community leaders and an intelligence officer. Kifwa has sent "Col." Jean Pierre Mulindilwa[41] and Col. Kakule "Manga Manga" Kayenga to Mr. Sadala to oversee his business interests and provide arms and ammunition.

130. Mai Mai Morgan combatants stated that, in June 2012, their group consisted of 85 fighters, all carrying AK-47s in addition to two MAGs, a rocket-propelled grenade, a mortar, a satellite telephone and two backpack radios. Mr. Sadala and his close assistants also use the traditional 12-calibre hunting rifle.

131. On several occasions, Gen. Kifwa has intervened in poaching-related cases and arrests. In December 2011, he ordered significant amounts of confiscated ivory to be shipped from Bunia to Kisangani. The price of ivory has increased dramatically in the past few years. In 2007, 1 kg was sold for $30 in Kisangani, compared to $80 in 2009 and between $100 and $150 in 2012. In the okapi reserve alone, the Congolese

[37] Several Congolese armed forces officers were embedded within Mai Mai Shetani for these operations.

[38] In South Kivu, the Congolese armed forces have also engaged in discussions with several armed groups, including Mai Mai Yakutumba and Forces républicaines fédéralistes soldiers who remained with Col. Richard Tawimbi.

[39] Institut congolais pour la conservation de la nature and the Democratic Republic of the Congo Wildlife Conservation and Park Service.

[40] A rare mammal found only in the Democratic Republic of the Congo and a source of national pride.

[41] "Col." Mulindilwa, nicknamed "Doctor J P", is a former member of Mai Mai Michigan. A Congolese armed forces officer explained that he was officially still at the centre de brassage, without official rank but with a Congolese armed forces uniform.

Wildlife Authority has recorded poaching of at least 1 ton of ivory every year since 2008, resulting in a yearly profit of at least $250,000. Local traders, however, claimed that as much as 3 tons of ivory were stocked in Elota in August 2012.

132. Mai Mai Morgan also collects gold twice a week at mining sites in Pangoi and Elota and sells "access rights" to individual pits. Mr. Sadala keeps the gold and sells it to traders from Butembo. Lastly, the rebels have established a monopoly on the cigarette trade in the same area.

## B. Mai Mai Luc

133. Mai Mai Luc, led by Maj. Luc Yabili, operates in the territory of Bafwasende in Orientale Province and across the North Kivu border in Walikale. It controls mining sites including Angumu and Elonga, where it sells its gold to businessmen from Butembo and Beni.

134. The 10th integrated brigade of the Congolese armed forces, under the orders of Gen. Kifwa, based in Opienge and Bafwasende, operates a criminal network that collaborates with Mai Mai Luc with regard to poaching and mining. Although Bafwasende remains an operational zone, the Congolese armed forces have launched no combat operations for the past two years. Meanwhile, arms and ammunition continue to be delivered to deployed units and are used for poaching. The 10th brigade also has a monopoly on the cigarette supply and other trading activities in the area, providing them with little incentive to suspend operations.

135. The criminal network makes considerable profits in Opienge, where a Congolese armed forces commander, Maj. Sammy Biakya Baguma, controls the tin mine of Ndonga and a number of gold mines, organizing some of the exploitation himself and imposing a tax of 2 g of gold per week from the teams of miners. He also trades in 12-calibre hunting ammunition. He makes additional profits by selling "travel authorizations" and runs a prison known locally as "Guantanamo", where he incarcerates civilians. Previously, to retain his control over the population, Maj. Baguma had sent back more than 40 Congolese national police officers who were to be deployed in Opienge.

136. Local community leaders and United Nations officials explained that Mr. Yabili had attempted several times to demobilize, but received no response from the Congolese armed forces or other Government officials. When traditional chiefs from Bafwasende enquired about the matter on 1 October 2012, Maj. Baguma explained that Gen. Kifwa had ignored the repeated requests.[42] On 31 July 2012, Mr. Yabili captured Mr. Sadala and offered to hand him over to the Congolese armed forces, although Gen. Kifwa again failed to react.

## C. 12-calibre hunting ammunition

137. 12-calibre hunting ammunition is widely available in the eastern Democratic Republic of the Congo and is extensively used for poaching. The Group documented the use of this ammunition by Congolese armed forces units and several armed

[42] Several requests notwithstanding, the 9th military region has not been able to share with MONUSCO any copy of the three letters sent by Mr. Yabili and seen by dozens of witnesses.

groups, notably Raïa Mutomboki and Mai Mai Morgan (see annex 50 to the present report).

138. Manufacture d'armes et des cartouches du Congo, whose factory is in Pointe Noire, the Congo, produces most of this ammunition. When asked for a list of its clients, the company responded that it sold none of its products in the Democratic Republic of the Congo (see annex 51 to the present report). Nevertheless, the Group has found that large quantities of the ammunition are widely available in the eastern Democratic Republic of the Congo (see annex 52 to the present report). The network organizing shipments of the ammunition from Kinshasa to Goma and Kisangani uses both boat and plane transportation. Individuals involved in the trade explained that, in mid-2012, the ammunition had been flown into Goma via Air Pegasus. Other freight companies explain that Air Pegasus runs commercial flights through military airports without paying taxes. The trade is controlled by individuals with close ties to Gen. Amisi of the Congolese armed forces. In Goma, the ammunition is distributed by Damien Amisi, the younger brother of Gen. Amisi. In Kisangani, "Type Tambwe", an ethnic Muzimba from Gen. Amisi's home region, sells the rounds and oversees the local interests of Gen. Amisi. In Kasese, the former bodyguard of Gen. Amisi, Capt. Salung of the Congolese armed forces, stocks and sells the ammunition.

# VI. Arms

## A. Stockpile management and diversion

139. The management of arms continues to pose a challenge for the Government of the Democratic Republic of the Congo. Although a signatory to the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa, the Democratic Republic of the Congo has yet to embark on a programme of marking State-owned arms. Congolese armed forces stockpiles continue to be a significant source of ammunition for armed groups. An escalation in armed group activities in the Kivus and Ituri has led to an increase in the diversion of arms and ammunition.

140. Commanders of Congolese armed forces logistics bases in the Kivus and Ituri confirmed that one of the biggest challenges was the defection of their rank and file with their arms and ammunition. Corrupt individual soldiers and criminal networks within the Congolese armed forces also sell ammunition to armed groups. Four ex-FDLR combatants from Rutshuru territory told the Group that they regularly purchased ammunition from the Congolese armed forces. In August 2012, the North Kivu military prosecutor indicted two Congolese armed forces soldiers for selling rifles for $200 each to M23 rebels near Rumangabo. Former combatants from Nyatura and Raïa Mutomboki told the Group that they purchased ammunition, AK-47 rifles and military uniforms from Congolese soldiers. On 25 August 2012, security officials intercepted APCLS rebels in Minova with 34 boxes of ammunition, each containing 750 rounds, and an AK-47 rifle that they had recently purchased from Congolese armed forces soldiers. Mai Mai groups in the middle plateau of Uvira also regularly purchase ammunition from the Congolese armed forces in local markets, with each box of 750 rounds costing $10.

## B. Challenges to disarmament

141. The emergence of M23 and its allies has exacerbated the demand for arms and ammunition. According to local authorities, civil society representatives and villagers interviewed in Nyiragongo and Rutshuru territories in North Kivu, the price of an AK-47 rifle has increased from between $20 and $50 to between $200 and $250 since early in May 2012.

142. Programme œcuménique pour la paix, la transformation des conflits et la reconciliation, an organization working towards the voluntary disarmament of civilians, informed the Group that, on five occasions in July and August 2012, individuals identified as emissaries of armed groups had offered to purchase arms handed over by civilians at $200 each.

143. The organization showed the Group a list of 125 civilians who had surrendered their rifles and/or ammunition between February and September 2012. Owing to a shortage of funds, however, the organization has been unable to pay them (see annex 53 to the present report). The organization further informed the Group that some of the individuals who remained unpaid had demanded the return of their arms or ammunition, claiming to have buyers elsewhere. Two such individuals told the Group that they had received an offer of $250 per rifle from M23. At about the same time, unidentified emissaries of M23 approached the organization offering to purchase its entire stock of arms (see annex 54 to the present report).

144. The organization expressed concern that the number of civilians turning in weapons and ammunition had dramatically decreased since the outbreak of the M23 rebellion. According to the organization, that could be a sign of civilians resorting to either selling weapons to armed groups at prices higher than the $50 paid or retaining the arms for self-defence owing to the insecurity, or a combination of both.

145. Lastly, combat between the Congolese armed forces and M23, including through the use of anti-personnel mines and unexploded ordnance, continues to kill and maim non-combatants. In August 2012, six children were killed when they stepped on a landmine in Gikoro village, Jomba groupement, Rutshuru territory. A follow-up analysis by humanitarian organizations identified several unexploded munitions scattered throughout the territory. The most affected areas are the M23 front lines (see annex 55 to the present report).[43]

# VII. Violations of international humanitarian and human rights law

146. Since the mutiny by former members of CNDP, which led to the creation of M23, local communities in the eastern Democratic Republic of the Congo have suffered widespread human rights violations. Violence in North Kivu against civilians by all armed actors, including the Congolese armed forces, has increased, displacing more than 500,000 people since April 2012. Displacement creates conditions favourable to further abuses. Owing to the increasing insecurity, humanitarian agencies have also faced difficulties in gaining access to populations and in providing relief.

[43] These areas include Kitobogo farms near Kiwanja.

147. Sexual violence remains prevalent in the eastern Democratic Republic of the Congo. In the context of the continuing combat, women and children are further at risk in conflict areas or when displaced. For the first six months of 2012, the United Nations Population Fund recorded 742 cases of sexual violence perpetrated by armed men in North Kivu, with Rutshuru the most affected territory, and 955 similar cases in South Kivu, almost half of which were in Fizi territory. The Group identified cases of mass rapes committed by M23, Raïa Mutomboki, Mai Mai Morgan and FDLR in 2012. Commanders of the last-mentioned group are responsible for more than 100 rapes, including of minors. By the end of September, the United Nations and international human rights non-governmental organizations had documented 46 rapes committed by M23. On the night of 5 and 6 August, Raïa Mutomboki attacked the village of Nyalipe in Masisi territory and raped nine women, including four girls.

148. There have been several major incidents of indiscriminate killings of civilians, including women and children, by armed groups. Since May 2012, Raïa Mutomboki, under the command of M23, has killed hundreds of civilians in North Kivu and burned at least 800 homes. Under the orders of M23 Col. Makenga, a series of coordinated attacks in August carried out by Lt Col. Badege and Raïa Mutomboki jointly with FDC and NDC enabled M23 proxies to destabilize a considerable part of southern and western Masisi territory. From 26 to 29 August, Raïa Mutomboki, operating jointly with Lt Col. Badege and with the assistance of FDC-Luanda soldiers, carried out systematic attacks against civilian populations in and around the villages of Ngungu and Luke in southern Masisi.

149. Raïa Mutomboki also killed tens of civilians in similar ethnically motivated attacks on communities accused of supporting FDLR and Nyatura in South Kivu, including 32 people in villages near Ekingi, early in March.

150. The United Nations has confirmed at least 282 killings committed by FDLR since December 2011. The most egregious cases took place near Bunyakiri, in Kalehe territory, in May. In Lumenje, on 5 May, FDLR killed at least 11 civilians, including 3 women and 5 children. In Kamananga, on 14 May, FDLR killed 35 civilians, including 20 women and 12 children, injured 38 people and burned 55 houses. According to Congolese armed forces officers, Capt. Castro Rafiki led the attack in Bunyakiri. The FDLR commander for the South Kivu sector was Lt Col. Hamada Karera.

151. Moreover, some M23 commanders, in particular Col. Ngaruye and sanctioned individual Col. Zimurinda, have ordered the extrajudicial executions of at least 15 recruits. Gen. Ntaganda and Col. Makenga gave orders for the execution of at least 20 prisoners of war. Rwandan troops also executed M23 escapees. According to local leaders and medical personnel, these numbers could be substantially higher.

152. Further information on violations of international humanitarian law and human rights profiles of senior M23 commanders can be found in annex 56 to the present report.

## Recruitment of children

153. Since the beginning of the M23 rebellion, child recruitment by armed groups has dramatically increased throughout the Kivus. Several M23 commanders with

long histories of child recruitment, including Col. Makenga and Col. Kaina, continue these activities. The Group estimates that, since its inception in May 2012, M23 has recruited more than 250 children in the Democratic Republic of the Congo and Rwanda. Between April and September 2012, MONUSCO received 38 children who had escaped from M23, 22 of whom were Congolese and 14 Rwandan.

154. M23 uses boys on the front lines as cover for advancing units, often after a week of training. Others act as porters, intelligence operatives and bodyguards. The rebels also use young girls as cooks and as commanders' wives.

155. Deployed in Bukima, Col. Kaina oversaw the recruitment and training of more than 150 children between May and August 2012, according to several ex-combatants. Half of those children were from Rwanda. Two ex-M23 combatants confirmed that Col. Kaina conducted recruitment in villages near Bukima in May 2012, when he ordered his soldiers to kidnap three boys aged between 12 and 15 years. A 14-year-old boy, who had been recruited by Col. Kaina, also declared that Col. Kaina had forcibly recruited two boys of the same age. On several occasions, former M23 soldiers under Col. Kaina personally witnessed him order the shooting of boys who had attempted to escape. Another ex-M23 combatant from Bukima told the Group that 14 women were also trained there, including 6 young girls.

156. Six former M23 child soldiers between the ages of 12 and 16 years told the Group that M23 officers had recruited them by force during patrols in Rumangabo, Kiwanja, Jomba and Bunagana. All said that they were warned that they would be killed, on orders of Col. Makenga, if they sought to escape. According to several ex-M23 combatants, Col. Makenga and Col. Ngaruye summarily executed dozens of children who attempted to escape. In two accounts, child soldiers witnessed other children being shot or buried alive after failed escape attempts.

157. The Group interviewed four former FDLR combatants who had been demobilized in the Democratic Republic of the Congo and rerecruited from the Mutobo demobilization and reintegration centre in Rwanda in September 2012. Upon their arrival at the centre, its permanent director, Frank Musonera, separates young boys targeted for recruitment, including children aged below 16 years. In one case, on 15 August 2012, he sent five former FDLR child soldiers between the ages of 13 and 16 years to Kinigi, where Rwandan troops forced them to carry boxes of ammunition and join M23. Two ex-FDLR combatants recruited from the centre also confirmed that they had encountered more than 15 former FDLR minors in an M23 position commanded by Col. Ngaruye. Three ex-M23 recruits who trained in Runyoni informed the Group that Col. Makenga had a special protection unit of 20 ex-FDLR child soldiers below the age of 15 years who were under strict instructions not to leave Runyoni. Former M23 child soldiers told the Group that those who were captured seeking to escape were executed in plain view of the others.

158. The Group also interviewed dozens of children recruited by other Congolese and foreign armed groups. These cases are described in detail in annex 57 to the present report.

# VIII. Natural resources

## A. Tin, tantalum and tungsten trade

### 1. Trade and production trends

159. In its interim report, the Group highlighted a gradual resumption of official exports of tin, tantalum and tungsten from the Kivus and Maniema Province. By August 2012, however, official exports had nearly disappeared, for three reasons. First, the Minister of Mines of the Democratic Republic of the Congo suspended the export houses Huaying and TTT Mining/Congo Minerals and Metals (TTT/CMM) in both North and South Kivu (see S/2012/348, paras. 141 and 142). Second, in an attempt to halt smuggling into Rwanda, the Minister of Mines prohibited the transport by air of tin, tantalum and tungsten from Maniema to the border towns of Goma and Bukavu, insisting on their transport through Katanga Province. That measure put exporters in Goma sourcing from Maniema out of business. Lastly, Chinese importers previously buying untagged minerals are increasingly requiring mineral tagging under the International Tin Research Institute (ITRI)[44] Tin Supply Chain Initiative.

160. Following mine site validation, mineral tagging is to be implemented in parts of Maniema and at the mining site of Nyabibwe in South Kivu by the end of 2012. For the moment, however, there is no legal market for untagged mineral production in the Kivus and Maniema Province. Consequently, cross-border smuggling is again on the rise. As smugglers typically do not distinguish between trade from areas controlled or not controlled by armed groups, this illegal trade undermines the exercise of due diligence in the Democratic Republic of the Congo. Moreover, it affects the credibility of due-diligence-based certification systems that have been or will be rolled out in neighbouring countries.

161. Smugglers also prefer tantalum ore and tungsten ore because they are lighter than tin ore and therefore easier to conceal. In addition, profit margins are higher, which compensates for corruption payments required to facilitate border crossings and transportation by private vehicles or boats.

162. The diminishing formal market for tin ore and increasing relative importance of tantalum ore and tungsten ore is also reflected in production levels. Tin ore production levels have fallen in the Kivus, but the decline is most stark in remote mine locations such as Bisie in Walikale territory, from where minerals have to be transported by air. In contrast, tantalum ore production in accessible locations such as Masisi and Idjwi territories remains strong. While the Group estimates that between 50 and 60 tons per month are produced, official statistics show that only about 5 tons were exported in the second trimester of 2012.

[44] A tin industry association whose membership, it claims, accounts for 80 per cent of world tin purchases. It launched the Tin Supply Chain Initiative with the Tantalum-Niobium International Study Center in 2009.

## 2. Smuggling chains

*Democratic Republic of the Congo-Rwanda*

163. In 2012, mineral smuggling between the Democratic Republic of the Congo and Rwanda has continued, involving new but also many of the same networks that the Group identified in previous reports. From Bukavu, Frédéric Mastaki Lubamba, alias "Sénégalais", controls much of the cross-border smuggling (see S/2011/738, para. 491). Details of mineral seizures that the Group obtained from Congolese mining authorities demonstrate that he is increasingly active in the smuggling of tungsten ore from Idjwi and Walungu territories. Another key trader overseeing smuggling operations from Bukavu in 2012 is Kaferege, who used to represent Rwanda Metals in Bukavu.[45]

164. In January 2012, the Government of Rwanda arrested four senior Rwandan armed forces officials because of their alleged involvement in illegal mineral trade with the Democratic Republic of the Congo. Two, Col. Dan Munyuza and Col. Richard Rutatina, were the heads of external and military intelligence, respectively.[46] According to ex-CNDP members, ex-Rwandan armed forces soldiers and provincial leaders, both men were involved in the smuggling networks through Goma overseen by Gen. Ntaganda (see S/2011/738, paras. 484-487). The Group is unaware of any trial or sentencing in these cases.

165. In Goma, the Group was able to identify three key traders involved in smuggling operations. One is Charlotte Nyirakanyana, who was arrested on 10 July 2012 after the authorities seized 3 tons of her minerals hidden in a truck at the main border crossing in Goma. She told the Group that the minerals included tantalum ore from Masisi territory and tin ore from Kalehe territory. In March 2012, 1.5 tons of her minerals had already been seized in Rwanda.

166. A second trader is Clémence Rwiyereka Mikamo, who manages CLEPAD, an export house in Goma.[47] According to individuals involved in her smuggling operations, in June 2012, she transferred minerals from her export house premises in Goma to Hotel Planète near the main border post and owned by her husband Joseph Sebagisha, from where CLEPAD agents hid them in vehicles that crossed into Rwanda during the night.

167. According to the above-mentioned sources, Ms. Clémence operates in collaboration with Eddy Habimana of Global Mining Company, who also smuggles minerals from Goma to Gisenye. Global Mining Company and CLEPAD representatives stated to the Group that in December 2011 they rented their facilities to the export house Metachem, claiming that all activities taking place at their

[45] Rwanda Metals traded Congolese minerals on behalf of the Rwandan Patriotic Army in 2002.

[46] Col. Munyuza coordinated commercial activities for the Rwandan Patriotic Army in the Democratic Republic of the Congo in 2002 (see S/2002/1146, para. 70).

[47] This is Ms. Clémence's full name, as taken from a list of comptoirs compiled by the International Peace Information Service in August 2009 (see www.ipisresearch.be/fck/file/20090805_Comtoirs_Kivu.pdf). She is also known in combination with the names of Feza and Sebagisha, after that of her husband. The name "CLEPAD" stands for "Clemence, Patrick Dealings".

premises were those of Metachem.[48] Provincial leaders, M23 officers and Congolese authorities told the Group that part of the profits made by Ms. Clémence and associated traders through cross-border smuggling was channelled to M23. Telephone records demonstrate that Ms. Clémence has communicated with Rwandan armed forces officers, including Gen. Kabarebe (see annex 59 to the present report).

168. A third trader is Gen. Kamwanya Bora (see S/2011/738, paras. 444 and 504), formerly of the Congolese armed forces, who, in 2012, moved his supply chain to the island of Idjwi. Gen. Bora organizes the smuggling of minerals from Kamole, among other locations, into Rwanda by boat across Lake Kivu. According to Congolese intelligence sources and local mine operators, he sent Congolese armed forces Lt Col. Pacifique Sekanabo, who is without position, to oversee his business on Idjwi.[49]

169. Individuals participating in this smuggling explained that minerals from the Democratic Republic of the Congo were inserted into the Rwandan certification system through the illegal purchase of tags issued by mining cooperatives with concessions in western Rwanda. The cooperative would then sell the mineral tags for 50 kg bags at up to $50 each for tantalum ore.

170. The Group obtained photographic evidence of the tagging, at a depot in Gisenyi, of Congolese minerals that had been smuggled across a secondary border crossing in Goma (see annex 60 to the present report). The numbers of six Rwandan mine tags that the Group was able to view were, according to the ITRI Tin Supply Chain Initiative database, issued to the company Alpha Minerals for its concession at Gatare II. The database further showed that four tagged mineral bags had been sold to the mineral exporter Minerals Supply Africa in Kigali.

171. The Group informed Minerals Supply Africa about tagging fraud by Alpha Minerals. The company's management provided the Group with full purchasing records for verification and explained that it had visited mine sites operated by Alpha Minerals, which had showed continuing mineral production. On the basis of the information provided by the Group, the company's management decided to suspend purchases from Alpha Minerals, in line with the Group's due diligence recommendations.[50]

172. The Group also obtained tags in the possession of a smuggler operating between Goma and Gisenyi (see annex 61 to the present report). According to the

[48] CLEPAD and Global Mining Company are members of ITRI Tin Supply Chain Initiative and can therefore not officially purchase and export untagged minerals. Metachem, which is not a member, can and does officially purchase and export untagged minerals. A representative of Global Mining Company stated to the Group that, since it decided to stop operations in March 2011, intermediary traders sold minerals stocked in its warehouse to Metachem. Metachem also took over Global Mining Company staff. According to Global Mining Company, official records in 2012 wrongly state Global Mining Company as a seller and purchaser of minerals during the period from January to May (see annex 58 to the present report). Provincial mines authorities stated to the Group that throughout that entire period they believed that Global Mining Company had been operating as an export house. In a communication to the Group, CLEPAD representatives made no reference to selling or transferring minerals to Metachem upon renting its facilities to the latter. Mineral transporters operating between Goma and Maniema told the Group in May 2011 that Ms. Clémence sold her minerals to Huaying. Ms. Clémence's smuggling activities in June 2012 immediately followed the suspension of Huaying on 15 May 2012.

[49] Lt Col. Sekanabo also recruits young people for M23.

[50] www.un.org/sc/committees/1533/egroupguidelines.shtml.

ITRI Tin Supply Chain Initiative database, one of the tags had been issued to the TUHAGERE cooperative for its concession in Kamarembo. Another tag was issued to KUAKA cooperative for its concession in Giseke. The Group visited a concession of TUHAGERE in Musasa in June 2012 and found it to be inactive at that time.

173. On the same trip, the Group also visited the concession of Coko, near Gikenge, operated by EPROCOMI, where it found no trace of actual mining taking place (see annex 62 to the present report). EPROCOMI mainly supplies the export house MUNSAD. Representatives of Rwandan mining companies and mining authorities confirmed that many concessions in western Rwanda were inactive but had received tags nevertheless.

174. The Group further obtained photographic evidence of a smuggling operation of Congolese tantalum ore from Masisi to an exporting house in Kigali. Smugglers paid bribes to Congolese border officials to transport their minerals at the main border crossing in Goma. At its depot, the cooperative COMIKABA subsequently tagged the minerals, without any Rwandan mines agent being present, and delivered them to the premises of mineral exporter RUDNIKI in Kigali.[51]

175. Individuals involved in smuggling operations told the Group that Dany Nzaramba purchased and tagged minerals from the Democratic Republic of the Congo. He is the owner of the COPIMAR cooperative, in addition to Trading Services Logistics, a Kigali-based export house. According to ITRI Tin Supply Chain Initiative data, Trading Services Logistics also purchases from Alpha Minerals, which sells tags. The same sources also singled out Jean Népomuscène Ndagijimana as a key smuggler. In 2007, he was a licensed exporter in Burundi.

176. The scale of laundering of Congolese minerals in the Rwandan tagging system is impossible to estimate on the basis of the incidents highlighted above. There is, however, a clear correlation between the shifting predominance of tantalum ore and tungsten ore mining close to the border and the increasing exports by Rwanda of those minerals. Conversely, Rwandan exports of tin ore have declined as smuggling of this ore from the interior of the Democratic Republic of the Congo has decreased. These trends suggest that the volumes of laundered minerals may be significant.

177. Furthermore, fluctuations in Rwandan exports of tin, tantalum and tungsten do not appear to be price-related (see annex 63 to the present report). Tin ore exports continue to decline, the stabilization of prices notwithstanding. Tantalum and tungsten ore exports are increasing, despite declining and stable price levels, respectively.

*Democratic Republic of the Congo-Uganda*

178. Smugglers in Goma and Kisangani told the Group of alternate routes to remove minerals from the Democratic Republic of the Congo through Bunagana, Kasindi and Mahagi into Uganda.[52] Uganda produces and exports tungsten ore, but no tantalum ore, and only a very small quantity of tin ore, suggesting that smuggled tin, tantalum and tungsten transit through the country, rather than being exported.

179. The supply chain from tin and tantalum ore mining sites of Kivuye in Masisi territory partially runs through Bunagana and Kasindi, while another part moves to

[51] The Group has placed this footage in the United Nations archives to protect the individuals with whom it cooperated.

[52] Some minerals from Maniema have been officially exported through Kasindi in 2012.

Goma. According to the local authorities, the main mine operators in Kivuye work under the protection of armed groups, including Nyatura and APCLS. Furthermore, in Busumba, on the way to Kasindi and Bunagana, minerals are stocked in a depot belonging to M23 member Erasto Ntibaturana, who is currently living in Gisenye (see S/2012/348/Add.1, para. 38).

*Democratic Republic of the Congo-Burundi*

180. Smuggling of tin, tantalum and tungsten between the Democratic Republic of the Congo and Bujumbura crosses the Ruzizi plains, in addition to the official border crossing of Kavimvira. Congolese police seized 13 tons of tantalum ore in Kavimvira in September 2012. According to smugglers, these minerals belonged to Mr. Lubamba (see para. 163).

181. Burundian exports of tin, tantalum and tungsten, and in particular tantalum ore, have dramatically increased in 2012. Burundi Minerals Supply exported 87 tons of tantalum ore from January to August 2012, compared to 58 tons during the same period in 2011. The company's manager is Dany Nzaramba, who is also involved in mineral smuggling in Rwanda (see para. 175). Wolfram Mining and Processing more than tripled its tantalum exports, from 24 tons in 2011 to 87 tons in 2012.

## B. Gold trade

### 1. Near absence of official trade

182. The Ministry of Mines of the Democratic Republic of the Congo has attempted to promote official gold trade by reducing the export tax to 1 per cent and requiring at least 30 kg of exports per trimester for export houses to retain their licence (see S/2012/348, para. 155). No export house in the Kivus has attained this minimum requirement to date.

183. Upon receiving export certificates, Congolese export houses must declare the identity of the consignee of the gold that they are exporting abroad. This information provided by export houses is often misleading. The declared trading partners of Établissement Namukaya — Pinnacle (see S/2011/738, para. 545), in Nairobi, and LLG, in Dubai — do not exist. According to several individuals involved in gold trafficking, the real trading partners of Établissement Namukaya continue to be Rajendra "Raju" Kumar (see S/2012/738, para. 512), of the sanctioned entity Machanga Limited in Kampala, and Bujumbura-based Mutoka Ruganyira.

184. Some consignees declared by exporters do exist. According to North Kivu official statistics in 2012, AR Gold has in 2012 exported to its own branch in Dubai and to Swiss Golden Metals Financial, a company registered in Geneva. Glory Minerals in Butembo does not declare to whom it sells. A manager of the export house COPED in Bunia told the Group that the company sold to Maha Jewellery in Dubai.

### 2. Gold trade linked to armed groups and criminal networks in the Congolese armed forces

185. The origin of gold purchased by export houses is usually poorly specified, referring to a territory, town or locality. Établissement Namukaya purchases gold

indiscriminately from areas throughout South Kivu, notably Misisi, Lugushwa and Kamituga, without querying the exact origin, chain of custody or potential involvement of armed groups or Congolese armed forces criminal networks. The Group visited Misisi in July 2012. Operators and local authorities told the Group that for each of the 250-odd crushing machines a $50 tax was levied per week by the Congolese armed forces under the command of Col. Rugo Heshima (see S/2011/738, paras. 522-527). Traders and authorities in Tubimbi told the Group that Établissement Namukaya was the main buyer from the mine of Mufa, which was frequently pillaged by FDLR.

186. AR Gold declares that it purchases gold from Butembo, which is not a mining site but a trading centre. The management of SOCAGRIMINES in Mubi showed the Group invoices to demonstrate that AR Gold had purchased gold produced by the company, however. SOCAGRIMINES operates in Omate, where, from May 2011 to January 2012, NDC militia members repeatedly came to demand rations and contributions in the form of gold.

187. In addition to the few licensed exporting companies, there are intermediary traders exporting gold without a licence. In Ituri, at the FRPI-controlled mine of Bavi (see para. 84), local traders Banga Djelo and Justin Peke buy gold and sell it to Ugandan traders Rajendra Kumar (see para. 183) and Silver Minerals. In Bukavu, non-licensed traders Buganda Bagalwa and Mange Namuhanda continue to purchase from mining sites where FDLR derives profits and sell to Mutoka Ruyangira and Rajendra Kumar, respectively. In Uvira, the non-licensed traders Mwite and Honoré continue to trade gold from Misisi. They supply Établissement Namukaya in Bukavu (see annex 64 to the present report), but also sell directly to Mr. Ruyangira and Mr. Kumar.

*Congolese gold traded through Burundi*

188. Mutoka Ruyangira (see paras. 183 and 187) is the main trader of Congolese gold in Bujumbura. He changed the name of his export house in 2011 from Berkenrode to Ntahangwa Mining. By August 2012, the company had officially exported 958 kg of gold that year to Dubai — with a market value of at least $41 million — representing 65 per cent of total gold exports from Burundi (see annex 65 to the present report).

189. Up to mid-2012, Indian nationals Amit Patel, alias "Rinko", and Vipul Mendapara assisted Mr. Mutoka in the sale of his gold. Mr. Mendapara has an electronics shop called Sanya in Bujumbura. In May 2012, the two fled to Niamey with up to 50 kg of gold belonging to Mr. Mutoka with a value of some $3.2 million (see annex 66 to the present report). At the request of Mr. Mutoka, Burundi has sought the extradition of the two men (see annex 67 to the present report).

*Congolese gold traded through Uganda*

190. According to Ugandan Customs statistics, Silver Minerals, of Indian national Madadali Sulnanali Pirani, is the main gold exporter in 2012, accounting for 70 per cent of the total exports of 274 kg from January to July 2012. While the Group found evidence that Silver Minerals sources from Ituri, Democratic Republic of the Congo (see para. 187), the company declares South Sudan as the country of origin of all its gold.

191. The second-largest gold export house in Uganda is Mineral Impex Uganda. The company officially exported 70 kg in 2012, all in January, and declared South Sudan as the origin. According to several industry officials in Kampala, Mineral Impex Uganda is a front company for Rajendra Kumar.

192. Mr. Kumar uses the company DATCO, owned by the Dattani family, to receive and transfer money to associates in Bukavu in order to pre-finance gold purchases. The company's representation in the United Arab Emirates is MCD General Trading LLC. DATCO has not responded to the Group's requests for information.

193. A third gold exporter in Kampala is Midas All Minerals Ltd. of British national Sameer Bhimji. Although the company exported only 2.5 kg in 2011, police authorities in Entebbe told the Group that, in November 2011, 15 kg belonging to Midas Minerals had been stolen by employees of the airfreight handling service ENHAS at Entebbe airport. Mr. Bhimji buys from Ituri traders previously identified (see para. 187).

*Congolese gold sold in Dubai*

194. In the first half of 2012, Mr. Mutoka sold a portion of his gold in the United Arab Emirates where middlemen Mr. Patel and Mr. Mendapara brought it to the Al Fath goldsmith in Sharjah (see annex 68 to the present report). According to smugglers and members of the gold market, or souk, the shop is owned by two individuals by the names of "Jigger" and "Muna". Gold buyers stated that Al Fath purchased gold from African destinations. Apart from purchasing from Mr. Mutoka, former gold smugglers in Kampala told the Group that "Jigger" was related to Mr. Kumar and also purchased from Mr. Kumar.

195. Since Mr. Patel and Mr. Mendapara stole gold belonging to Mr. Mutoka (see para. 189), the latter's gold is carried to Dubai by individuals named "Kaswis" and "Djamal". According to collaborators of Mr. Mutoka, his gold arrives in the United Arab Emirates twice a week in hand-carried loads of around 30 kg. These totals correspond to figures for exports from Burundi supplied by the company owned by Mr. Mutoka.

196. The official trading partner of Silver Minerals in the United Arab Emirates is Yogesh Jewellers. Gold smugglers in Kampala explained to the Group that Yogesh Jewellers was used only for testing the purity of gold, however, and that the real destination of the gold belonging to Silver Minerals was Kanz Jewellery in Dubai.

197. After repeated requests by the Group and several promises by the United Arab Emirates authorities, the Group received no Customs data concerning total imports from Burundi, the Democratic Republic of the Congo and Uganda, nor did it receive information on the specific imports of the above-mentioned jewellers.

## C. Due diligence: tin, tantalum and tungsten

### 1. Enforcing the Government's *note circulaire* on due diligence

198. The Congolese authorities suspended export houses Huaying and TTT/CMM for having purchased minerals of dubious origin, thereby violating the Government's *note circulaire* of 6 September 2011 concerning the application of United Nations and Organization for Economic Cooperation and Development

(OECD) due diligence guidelines. Mining authorities in North Kivu stated that their purchases might have financed armed groups operating in mining sites in Walikale.

199. In July 2012, the Minister of Mines authorized all export houses, including Huaying and TTT/CMM, to export minerals that they purchased from Maniema and held in their depots in Goma, provided that they made a financial contribution of $75 per ton to development projects in mining areas. The provincial Minister of Mines in North Kivu extended the provision to also include validated mines in Masisi in a subsequent letter.

200. Consequently, by the end of August 2012, Huaying had exported at the same rate as at the beginning of 2012, for a total of 248 tons of tin ore, up to and including 24 September 2012. Huaying declared that it sold to China National Nonferrous Metals. TTT/CMM officially exported 86 tons of tin ore to Tolead Group in Hong Kong, China (see annex 69 to the present report). According to mining authorities, in North Kivu, Huaying and TTT/CMM have inserted minerals purchased from Walikale into the exported volumes that were supposed to originate only from Maniema.[53] Red-iron-rich tin ore from Walikale is very distinct from black tin ore in Maniema and can therefore be easily detected (see annex 70 to the present report).

### 2. Expanding trading counter validation and certification

201. To date, the Congolese authorities have validated as "green" several mine sites around the trading counters of Mugogo and Rubaya in the Kivus and 21 mine sites in Maniema Province. Trading counters are not yet operational in the Kivus and have still to be constructed in Maniema, however (see S/2012/348, box 6).

202. Although authorized to do so, no tin, tantalum and tungsten traders have yet exported from mine sites qualified as "green" around Mugogo (see S/2011/738, para. 468). In contrast, in North Kivu, the export house AMR Mugote has lawfully exported minerals purchased from "green" mine sites in Masisi, to Guilin Jinli New Chemical Materials in China. The export house does not, however, ascertain on the ground whether minerals from other mines enter its supply chain.

203. In annex 71 to the present report, the Group outlines identified risks of minerals from mines controlled by armed groups entering the supply chains of trading counters in Mugogo and Rubaya.

204. In July 2012, a joint validation mission qualified five mines surrounding Nyabibwe, in South Kivu, as "green". The Group has received no information that would call such qualification into question. On 18 September, industry partners convened by the Government of the Netherlands announced their intention to establish a "conflict-free tin" initiative in South Kivu. A pilot phase will be launched in October in Nyabibwe, where Pact, a non-governmental organization, will operate the ITRI Tin Supply Chain Initiative traceability, tagging and due diligence mechanism.

205. In Maniema, authorities conducted a joint validation mission in August 2012 around the trading counter of Kalima and gave the "green" qualification to the mine

[53] In South Kivu, however, the mining authorities have not allowed Huaying and TTT/CMM to export at all (see S/2012/348, box 6).

sites of Kailo and Pinga. The Group's findings in 2011 also confirmed conflict-free trading of minerals in those territories (see S/2011/738, para. 416).

206. On 24 September 2012, intermediary traders under the Société minière du Maniema and Metmar Trading proposed to international partners to export 968 tons of stockpiled material from Kailo, Pangi and Kindu before the tagging of newly produced material begins. The proposal stipulates that profits will be allocated to finance ITRI Tin Supply Chain Initiative tagging and assures both that current stockpiles are correctly accounted for and that the company will conduct its own tagging. The proposal is in line with the Group's recommendation on stocks in its final report of 2011.[54] The Group urges the Société minière du Maniema to verify and demonstrate the origin of stocks through transport authorizations issued by local mining authorities.

207. Provincial efforts to improve the mineral paper trail notwithstanding, the high level of illegal transport of minerals from Maniema to export centres, and subsequent cross-border smuggling, pose a critical challenge to the introduction of traceability schemes. A comparison of the official export documentation of the first half of 2012 and provincial taxation data shows that around half of Maniema mineral production leaves the province without the required documentation, after which it is likely to be smuggled.

208. In North Kivu, validated mine sites around the trading counter of Rubaya include eight sites on the concession of the company Mwangachuchu Hizi International. With semi-industrial operations only at the Bibatama site, the company uses artisanal miners affiliated with the cooperative Cooperama on its other concessions. After the Congolese authorities validated Bibatama, held by Mwangachuchu Hizi International, the Certified Trading Chain initiative of the German Federal Institute for Geosciences and Natural Resources conducted a baseline audit for certification and concluded in April 2012 that there was no indication of armed group involvement and that traceability had been developed to the highest level achievable. Mwangachuchu Hizi International claims, however, that its trading partner in China, Sino Investment, continues to demand ITRI Tin Supply Chain Initiative tagging, thus impeding any exports.

209. While validation exercises are expanding in the Kivus and Maniema, Orientale Province has yet to be considered. The security challenges near tin ore reserves around the town of Opienge, in Bafwasende territory, could, however, be resolved by demobilizing Mai Mai Luc and suspending the Congolese armed forces operational zone (see paras. 133-136). The concessionaire of the Opienge mining area has begun repairing the 185 km of road between Opienge and Bafwasende.

### 3. Shortening supply chains through Congolese smelter initiatives

210. The construction of smelting facilities on Congolese territory could greatly enhance traceability and facilitate due diligence by importers. Such facilities would render current initiatives to sanitize trading chains considerably easier, given that a shortened trading chain would naturally reduce the opportunities to insert conflict minerals. In addition, it would increase the added value of the minerals produced and, consequently, potential tax revenue for the Congolese authorities.

[54] www.itri.co.uk/index.php?option=com_mtree&task=att_download&link_id=53055&cf_id=24.

211. In Lubumbashi, Mining Mineral Resources has installed a first electric furnace and a second will be operational in November 2012. The plant will produce 98 per cent tin ingots to be exported to Malaysia Smelting Corporation Berhad for final refining up to the 99.9 per cent London Metal Exchange[55] standard. Minérales Industries Métallurgiques is building a second plant in Kisangani. Although it had received machinery from China in July, the Rwandan Customs service blocked necessary parts in Gisenyi until October 2012. The company is currently sourcing tin ore and tantalum ore from its concession in Manono and claims that it will smelt at least 10 tons of tin ore per day at 99.9 per cent, as from January 2013. Lastly, African Smelting Group has launched a third attempt to establish an in-country smelter either in the vicinity of Sake, west of Goma, or in Kindu, Maniema Province, and has committed itself to following the OECD due diligence guidelines.

### 4. Traceability and due diligence in Rwanda

212. In 2011, Rwanda implemented a nationwide tagging system in collaboration with the ITRI Tin Supply Chain Initiative. In addition to supply chain transparency and controls, the Initiative includes United Nations due diligence components of risk assessment, risk mitigation and independent third party audits. In August 2012, Channel Research published a first report to identify and evaluate risks and the overall governance performance of the stakeholders of the supply chain for the Initiative. An audit of the Initiative has yet to be conducted.

213. Channel Research found no serious abuses associated with the extraction, transport and trade of minerals or any direct or indirect provision of support to armed groups. On the basis of observations of continuing smuggling of Congolese minerals into Rwanda, Channel Research does highlight the risk of State and non-State armed actors in the Kivus benefiting from minerals either tagged or exported through a parallel supply chain of untagged minerals in Rwanda, outside the ITRI Tin Supply Chain Initiative. The research team, however, gathered no specific evidence in this regard, meaning that incidents of irregularities in tagging procedures and operators' possession of untagged minerals have not been found to be connected to cases of cross-border mineral smuggling.

214. Owing to limitations by the Government of Rwanda, the assessment team has been unable to complete investigations into a number of issues, such as cross-border smuggling, the suspension of senior military officers (see para. 164) and the involvement of security services in the supply chain. Follow-up research is therefore deemed necessary, with the Government of Rwanda agreeing to permit Channel Research to work independently, carry out unannounced spot checks and maintain the anonymity of its sources.

215. In addition to the risk assessment by Channel Research, the ITRI Tin Supply Chain Initiative and its implementing partner, Pact, published a status report for the first half of 2012,[56] in which they highlight the main incidents reported to Initiative staff concerning violations of the tagging procedure and the ways in which those were addressed. They also consider baseline studies carried out to assess the production capacity of new mine sites, on the basis of which tags are issued. The execution of baseline studies is, according to the report, marred by problems,

[55] Several individual companies in Rwanda have undergone audits of their mine sites and supply chains.

[56] www.itri.co.uk/index.php?option=com_mtree&task=att_download&link_id=53060&cf_id=24.

including overreporting of production and discouragement of mine site inspection. Furthermore, they state that, at the beginning of 2012, mining authorities issued tags to some companies before baseline studies had been carried out and before production had even begun.

216. The incidents of laundering of Congolese minerals into the Rwandan tagging system that the Group has identified demonstrate that the risk assessment — step 3 of the due diligence guidelines and an integral part of the Initiative tagging and due diligence scheme — is not sufficiently comprehensive. To date, Initiative staff have not reported any incident of tagging Congolese minerals. The Group has provided and will continue to provide such information to Initiative staff and to mine operators and export houses, in order to facilitate more complete risk mitigation.

### 5. Traceability and due diligence in Burundi

217. Burundi is currently awaiting the promulgation of a law that incorporates due diligence requirements and traceability mechanisms into the national mining legislation. From 26 February to 6 March 2012, Pact visited Burundi to begin a feasibility study and participated in a meeting with mining operators to discuss financing the implementation of the scheme. Mining operators have agreed to finance the purchase of the first batch of packaging and tags, but the Government continues to seek financing to train personnel to execute tagging.

### 6. Due diligence initiatives beyond the Great Lakes

218. Further updates on due diligence initiatives beyond the Great Lakes region are included in annex 72 to the present report.

## D. Due diligence: gold

219. Updates on the limited due diligence initiatives in the gold sector are included in annex 73 to the present report.

## E. Socioeconomic assessment

220. By paragraph 5 of resolution 2021 (2011), the Security Council requested that the Group of Experts should include, in its evaluation of the impact of due diligence, a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo. The methodology used by the Group is described in annex 74 to the present report.

### 1. Main conclusions

221. For those mining areas in which no tagging or traceability system has been installed, the following phenomena occur:

(a) Tin, tantalum and tungsten ore production continues in most areas. Most minerals are either smuggled out or stockpiled. Consequently, there is a large discrepancy between official exports and production. Smuggling is particularly prevalent in mining areas that are easily accessible and/or close to the border;

(b) The prices paid for minerals have fallen significantly because of the limited demand for untagged materials. Other factors, such as fluctuating world market prices, also contributed to the current low cost of minerals, however;[57]

(c) Whenever alternative minerals, primarily gold or diamonds, are available in the vicinity of the tin, tantalum and tungsten mine, miners adapt and begin digging for other minerals. In addition, there is a move from tin ore to both tungsten ore and tantalum ore mining;

(d) In areas where no alternatives to tin, tantalum and tungsten mining are readily available, the virtual cessation of trade and the sharp fall in prices at the mining site have led to reduced family income, which has an immediate impact on family expenditure;

(e) Isolated mining communities that previously relied on inbound mineral flights to supply them with basic commodities suffer from the secondary effect of a shortage of such products and consequent price increases;

(f) The impacts described above were visible from the 2010 mining ban. They were less pronounced at the end of 2011 when traders Huaying and TTT/CMM identified alternative markets for untagged minerals in China, but resurfaced after those traders were suspended in May 2012;

(g) The security situation at tin, tantalum and tungsten mining sites has improved and the trade in tin, tantalum and tungsten has become a much less important source of financing for armed groups. Both these changes will reflect positively on the potential for sustainable socioeconomic development in mining areas.

222. In Katanga, where a tagging system is in place at most mining sites, the general trends are very different. Business flourishes and gives a modest impetus to local development through investments. Trade options remain limited, however, because one buyer holds a virtual monopoly position, leading to persistent miner protests about the prices offered.

### 2. Detailed findings on mining indicators

223. In 2011, the combined regulatory pressure on the tin, tantalum and tungsten sector to exercise due diligence generated a dual market in the region. On one side, this pressure spurred the creation of islands of traceability in Rwanda and northern Katanga. In both areas, mineral production has increased as a result of privileged market access. Where tagging was not introduced, in the Kivus and Maniema, international buyers have ceased purchasing.

224. In 2012, the impact of due diligence on tin, tantalum and tungsten mining continued when the Government of the Democratic Republic of the Congo decided to suspend two export houses — Huaying and TTT/CMM — on the basis of non-compliance with the United Nations and OECD due diligence guidance. The drastic decline in trade is reflected in official export figures, in particular for tin ore. Whereas annual official exports between 2007 and 2009 from North Kivu rose to more than 10,000 tons, they fell to 2,300 tons in 2011. Between June and August

[57] The London Metal Exchange tin price dropped by almost 33 per cent between January 2011 and September 2012.

2012, no official exports from Goma were recorded. The selected examples below show some of the most pronounced current and past effects of national and international measures on mining and the mineral trade.

225. Mining areas and trading towns in the territory of Walikale have suffered the most radical economic decline. Local tin prices in Mubi fell from $5.5 per kg in 2010 to $3.5 or $4 in much of 2011 to $2 after May 2012. At the mining sites themselves, traders will pay as little as $1. The low prices negatively affect working conditions, given that there is no money to invest in basic equipment such as boots, torches and gas. Consequently, the main mine of Bisie is virtually empty, with only a few hundred miners remaining. COKABI, one of the main miner cooperatives, explained to the Group that by July 2012 it had only 200 workers left at the site, compared to 600 in 2011 and 1,200 before the 2010 suspension. Statistics from the local mining service show how monthly production early in 2011 was half that of the level of 2010 (500 tons). Current production is considered marginal. Flooding has also contributed to poor output affecting 40 per cent of mining pits in Bisie.

226. In other mining areas, such as Lubutu and Lemera, similar effects exist and miners face a similar fall in tin ore prices. Artisanal miners in Ntufia, however, told the Group that they continued to produce because they had no alternatives to sustain their families. Since the suspension of Huaying and TTT/CMM, hardly any buyers arrive in Lubutu, forcing local miners and small-scale traders to stockpile production in preparation for better times.

227. In Lemera in South Kivu, a comparable decline in prices was observed: from $8 in 2010 to $5.5 at the beginning of 2012 to $2.5 since May 2012. In addition, the number of diggers fell from 500 at the beginning of 2012 to 100 at the time of preparation of the present report.

228. Tungsten and tantalum ore mining are generally less affected, as can be seen from the examples of Idjwi and Masisi. On the island of Idjwi, in the middle of Lake Kivu, tungsten ore mining has been in decline, but still about half of the pre-suspension miners remain at the main mining site of Kamole. The island's isolated position, bordering Rwandan territorial waters, enables smuggling and therefore access to other markets. Moreover, local prices have fallen "only" by some 20 per cent, from $11 per kg before 2010 to $9 in July 2012.

229. In Masisi, tantalum ore miners at the Lufufu site in Bishasha explained that, while price levels had steadily risen since the 2010 suspension, demand had dropped after May 2012 and half of the 90 workers had left the mine, leading to decreased but still significant production. Given that there have been hardly any formal tantalum ore exports from Goma since May 2012, the larger share of production is either stockpiled or smuggled out of the country.

230. In Katanga, where at many sites a tagging system is in place, official trade generally continues at pre-suspension levels or higher. The Group learned, however, that miners protested against mineral prices on several occasions in 2011 and 2012. Provincial export statistics show that almost all the tin ore and tantalum ore production in Katanga is purchased by a single trader, Mining Mineral Resources, which can therefore set prices. In September 2012, it paid a fixed price of $34 per kg for tantalum ore in Kisengo, regardless of the quality. The prices offered by Mining Mineral Resources are indeed lower than what miners can earn in Masisi, where they receive $36 for the standard 20 per cent quality tantalum ore and an additional

$1.8 for every additional percentage point. The company explains that the price difference stems from the additional costs that it incurs, such as the technical and material support that it provides to miners, its development projects and the cost of the tagging procedure itself.

### 3. Detailed findings on other socioeconomic indicators

231. The decline in mineral production and the drop in prices have generated a series of secondary social effects in all the tin, tantalum and tungsten mines that the Group visited. Several such impacts have been particularly visible in Nyabibwe, where the local population explained that food and basic goods were harder to come by because most shops had closed since October 2010.

232. They also pointed out that school enrolment in mining communities had been much affected. A headmaster explained that dropout rates had increased from a few percentage points in 2010 to 30 per cent in 2012. In Lemera, the Group witnessed a similar phenomenon, learning how school attendance by children from mining communities had fallen by 50 per cent since 2010.

233. Secondary effects are particularly present in remote mining locations serviced by air. Before 2010, about 20 flights would arrive in Mubi per day, bringing in consumer goods and taking out tin ore. After March 2011, that frequency slowly increased from one flight every two days to four flights per day. After May 2012, however, the air traffic virtually stopped.

234. Food and medicine now reach Mubi via road from Kisangani, but there is less choice and prices are higher. A sack of flour, for example, now costs between $40 and $45, compared to $35 when it was flown in from Goma. Because no minerals are taken on return flights from Mubi, the cost of transporting goods by air has doubled, making it too expensive. Other mining areas, such as Shabunda and Kasese, experience similar difficulties.

235. The above notwithstanding, commercial activity continues in most mining towns, including Mubi, which is also a trading centre for gold from Omate. Likewise, in Lubutu, gold and diamond mining is flourishing, explaining why there is no shortage of supplies in shops. Moreover, miners continue to shift to new locations while adapting to price and demand fluctuations and, when they move, related economic activities move with them.

236. Particularly notable is the move from tin, tantalum and tungsten mines to gold mines. In Misisi, South Kivu, miners explained that the mining population had almost tripled over the past two years with many newcomers from tin, tantalum and tungsten mining areas in the Kivus and Katanga. In addition, there has been a move from tin ore mines to tungsten ore and tantalum ore mines. For example, miners have moved from Nyabibwe to Idjwi, from Bisie to Rubaya and from Zola Zola to Luntukulu. Their mobility much depends on the extent to which they are tied to the locality in which they mine, mostly through property, family relations and long-time residence. This phenomenon is not absolute. In Nyabibwe, for example, several "migrant" miners identified alternative income and used their mining revenue to purchase houses, land and cattle.

237. Although there are some prospects, the Group came across no public works paid for by money generated from the mineral trade in the Kivus and Maniema during the past five years. There is no direct contribution by the mining sector to

development. The lack of investment in mining communities was recently raised once more by a Goma-based non-governmental organization, Association pour le développement des initiatives paysannes, which concluded in a report that the few existing public works were financed mostly by humanitarian organizations. In a study carried out in seven mining communities in October 2011, Catholic Relief Services, the Catholic Committee against Hunger and for Development and the Commission on Natural Resources of the Democratic Republic of the Congo Bishops' Conference explain that income generated by mining is often used for the personal needs and pleasure of individual miners, especially because many are not originally from the area.

238. In Katanga, on the other hand, Mining Mineral Resources has invested in social and infrastructure projects. In Kisengo, it has built a school and a hospital and throughout the mining districts it has repaired roads and bridges. The secondary social impact of the implementation of due diligence experienced at mining sites such as Kisengo and Mayi Baridi is largely positive and gives a modest impetus to local development. An important exception is the mine of Kahendwa, where virtually no social projects are launched because of the disputed concession ownership.

239. Following the example of Mining Mineral Resources in North Katanga, more investment is to be expected in those mining areas where traceability will next be introduced. In Maniema, for example, several economic operators are already competing for access to mines. Mining Mineral Resources, teaming up with the Malaysia Smelting Corporation, has sought to gain exclusive access to former concessions held by Sakima. In exchange, Mining Mineral Resources has pledged to rehabilitate the Kindu-Kalemie railway. The Société minière du Maniema has obtained concessions beyond the Sakima perimeter and Minserve has already signed a contract with a local mining cooperative. In total, these companies are expecting to purchase at least 850 tons of minerals each month.

### 4. Security situation

240. The Group described several security problems at tin, tantalum and tungsten mining sites above: the abandonment of Lufufu because of the arrival of Raïa Mutomboki, taxation by FDLR in Karembo, pillaging by Nyatura in Lwizi and extortion by the Congolese armed forces in Kasese. Most stakeholders interviewed by the Group in tin, tantalum and tungsten mining areas, however, indicated that they could work in relative security.

241. Security issues pertain particularly in those mining sites that are remote and near front lines. More accessible and larger mining sites that are closely watched by international companies, mining authorities and Congolese civil society are currently benefiting from improved security. These include Nyabibwe, Bisie and Bibatama in the Kivus and Kisengo in Katanga. The temporary suspensions of tagging in Mitwaba because of incidents involving Mai Mai Gédéon (see annex 75 to the present report) and Congolese armed forces, however, show that the security situation remains volatile. Continuous monitoring is therefore required.

242. In addition, there is a genuine risk that military actors will move their rackets to mining activities that are not closely supervised. In Katanga, for example, the commander of the 61st brigade, Col. Igwe Lungeni, has deployed his troops in most major mining sites, including Lunga, Luba, Malemba and Mayi Baridi. They

interfere with gold mining activities but steer away from the tin, tantalum and tungsten trade. Insecurity at gold mining sites throughout the eastern Democratic Republic of the Congo remains widespread.

# IX. Recommendations

243. The Group of Experts recommends that the Committee revise the sanctions criteria to include owners of sanctioned entities and any front companies, in addition to individuals and entities supporting criminal networks within the Congolese armed forces through the trade in natural resources. The Group recommends that the Committee call upon:

(a) The Governments of Rwanda and Uganda to cease all violations of the arms embargo and to submit regular reports to the Committee on measures taken to halt all activities of M23 and its allies in their territories;

(b) Member States to review and reconsider future military assistance to Rwanda and Uganda;

(c) The Joint Verification Mechanism of the International Conference on the Great Lakes Region to install motion sensors and night-vision cameras on the few footpaths used by the Rwandan armed forces and M23 between Rwanda and the De nocratic Republic of the Congo (see annex 76 to the present report);

(d) International donors to provide the Joint Verification Mechanism and Fusion Intelligence Cell with unmanned aerial vehicles to monitor border crossings between the Democratic Republic of the Congo and Uganda and regularly report to the Committee;

(e) All armed groups, including FDLR and M23, to immediately release all child soldiers and cease any future recruitment of minors;

(f) The Democratic Republic of the Congo, Rwanda and Uganda to complete marking of all arms under State control in accordance with the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region and the Horn of Africa;

(g) Donors to financially support innovative civilian disarmament strategies to avoid the diversion of weapons to armed groups;

(h) The Government of the Democratic Republic of the Congo to suspend unnecessary military operational zones and redirect funds to accelerate representative and inclusive integration processes for armed groups, taking into account lessons learned from past experience;

(i) The Democratic Republic of the Congo to leverage commercial interest in tin, tantalum and tungsten minerals for enhanced socioeconomic development in artisanal mining zones;

(j) Exporters, processing industries and consumers of tin, tantalum and tungsten mineral products from the eastern Democratic Republic of the Congo and other "red flag" locations to invest in traceability and due diligence in the Kivus, Katanga, Maniema and Orientale Provinces in order to halt cross-border smuggling and preserve the credibility of the Rwandan tagging scheme;

(k) The Governments of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda to deter smuggling and tagging fraud and allow those carrying out supply chain risk assessment and audits unhindered access to relevant sources and data;

(l) The Governments of Burundi, the Democratic Republic of the Congo, Uganda and the United Arab Emirates to report to the Committee periodically on specific measures taken to halt the smuggling of gold from the eastern Democratic Republic of the Congo;

(m) Donors to the Rwandan demobilization programme to more closely monitor the reintegration of former FDLR combatants from the Democratic Republic of the Congo.

# Annex 1

## Complete overview of the Security Council mandate of the Group of Experts.

The Group of Experts on Democratic Republic of Congo (DRC) is a non-permanent team of independent individuals appointed by the United Nations Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 1533 (2004). The mandate of the Group, which supports the Committee and works under its direct guidance and advice, was originally established pursuant to Security Council resolution 1533 (2004) to monitor violations of the sanctions regime and arms embargo introduced by Security Council resolution 1493 (2003). The Group's current mandate is derived from five subsequent Council resolutions, most recently resolution 2021 (2011) adopted on 29 November 2011.[1]

In its monitoring of the arms embargo, the Group's primary role is to investigate and document evidence regarding the procurement of military equipment, including weapons and ammunition, by armed groups active in the DRC, as well as their related financial networks and involvement in the exploitation and trade of natural resources. Following the adoption of resolution 1807 (2008), the arms embargo was lifted on the Government of the DRC and subsequently only applies to all non-governmental entities.

However, as established in its previous two final reports (S/2010/596 and S/2011/738), the Group evaluates the challenges related to the integration of former armed groups into the national security forces, notably the *Forces armées de la République démocratique du Congo* (FARDC) as well as the involvement of criminal networks within security forces in the exploitation and trade in natural resources, thus undermining mining industry and security sector reform efforts. The Group has taken note of the particular interest of the Security Council in such issues through its informal consultations with Council members as well as by paragraph 12 of resolution 2021 (2011), by which the Council:

> "Encourages the Government of the Democratic Republic of the Congo to continue to address the underlying issue of the cohesion of the national Army, including by further ensuring proper integration and vetting of former armed groups, in particular the *Congrès National pour la Défense du Peuple* (CNDP), into the FARDC...".

Moreover, by paragraphs 6 to 13 of resolution 1952 (2010), reaffirmed by paragraph 5 of resolution 2021 (2011), the Council has tasked the Group with evaluating the impact of its due diligence guidelines for importers, processing industries and consumers of Congolese mineral products, as conveyed to the Committee in its 2010 final report on 18 October 2010.[2] The guidelines aim to help companies avoid reputational damage and possible targeted sanctions. With regards to the latter, by paragraph 9 of resolution 1952 (2010), the Security Council decided that the Committee:

> "in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of

[1] Security Council resolutions 1807 (2008), 1857 (2008), 1896 (2009) 1952 (2010) & 2021 (2011).

[2] S/2010/596 Section IX. A consolidated version of the recommended 5-step due diligence process is available at http://www.un.org/sc/committees/1533/pdf/due_diligence_guidelines.pdf

natural resources ... should consider, amongst other things, whether the individual or entity has exercised due diligence. . .".

By paragraph 5 of resolution 2021 (2011), the Security Council requested that the Group include in its evaluation of the impact of due diligence "a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo".

Furthermore, by paragraph 6 of resolution 1952 (2010), the Council requested that the Group investigates "perpetrators of serious violations of international humanitarian law and human rights abuses, including within the national armed forces...", which was reaffirmed by paragraph 5 of resolution 2021 (2011). As such, the Group seeks to identify command responsibility for the recruitment of child soldiers,the targeting of women and children, and acts of sexual violence.

On the basis of the conclusions of its investigations, the Group makes recommendations in its interim and final reports regarding the implementation of measures to enforce the arms embargo and sanctions regime as well as to address issues related to armed groups, criminal networks within the security services, and the trade in natural resources. By paragraph 18 (f) of resolution 1807 (2008), the Group is mandated to identify individuals and entities found to have violated the provisions of the arms embargo or the sanctions regime, and to recommend them for targeted sanctions through a confidential annex to its final report.Resolutions 1807 (2008) and 1857 (2008) established the designation criteria.

The Group considers that financial support to or business dealings with a sanctioned individual or entity constitute violations of the assets freeze and therefore are sanctionable acts. The current list of individuals and entities designated for targeted sanctions by the Committee (as of 28 November 2011) can be found on the 1533 website.[3]

[3] http://www.un.org/sc/committees/1533/pdf/1533_list.pdf

# Annex 2

## An overview of the Group of Experts methodology.

The Group of Experts adheres to a rigorous investigative methodology to ensure the greatest degree of accuracy of its assertions and conclusions. Its evidentiary standards uphold those recommended by the 2006 report of the Informal Working Group of the Security Council on General Issues of Sanctions.[4]

The Group conducts exhaustive and in-depth field research in zones controlled by armed groups, seeking at all times to rely on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. Where such evidence is not possible to obtain, investigative conclusions must be corroborated by, at a minimum, three sources assessed by the Group to be independent of one another, credible and reliable. The Group prioritizes testimonies from current and former members of armed groups, local witnesses of specific events, and security services principally from the DRC. Nevertheless, the Group systematically assesses the credibility of each of its sources and remains wary of deliberate efforts to influence its findings.

In the light of the serious nature of the Group's findings regarding external support from the Government of Rwanda and individuals within the Ugandan security services, the Group has adopted elevated methodological standards for these investigations. Since early in April 2012, the Group interviewed over 120 deserters of FARDC mutinies and Congolese armed groups, including from M23. Among the latter, the Group interviewed 57 Rwandan nationals and two Ugandan nationals. During its field visits, the Group privileged its own observations and research on in conflict zones and along border posts. Furthermore, the Group also photographed weapons and military equipment found in arms caches and on the battlefield, and has obtained official internal documents and thoroughly analyzed both satellite imagery and intercepts of radio communications, assessed to be credible.

The Group has also consulted dozens of senior Congolese military commanders and intelligence officials as well as political and community leaders with intricate knowledge of developments between the Democratic Republic of the Congo and both Rwanda and Uganda. Moreover, the Group has communicated regularly with many active participants of the M23 rebellion and other armed groups, as well as current and former security officials and civil authorities within Uganda and Rwanda. The Group interviewed extensively eyewitnesses of specific events described in the report, including combat operations in the DRC supported by Rwandan and Ugandan troops. Finally, while the Group's standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions regime violations. The Group has not cited in its final report dozens of government officials in both Rwanda and Uganda for whom it has undertaken specific investigations, but could not complete them due to the time limitations of its mandate

While the Group wishes to be as transparent as possible in the descriptions of its sources, particularly for official sources, in situations where specific details would expose individuals or lead to potential safety and security risks, the Group withholds identifying information and places the relevant

[4] S/2006/997.

evidence in United Nations archives, along with other relevant documents. For further information on the Group's confidentiality policy, see paragraphs 26-28 of annex 3 below.

In its interim and final reports, the Group does not include any claims unsubstantiated by the above-mentioned standards, other than to present official positions, statements, and/or responses from concerned individuals. Where applicable and possible, however, the Group seeks to address unfounded allegations regarding provision of military, financial, or political support to armed groups.

The Group is equally committed to impartiality and fairness, and will endeavour to make available to all relevant parties, if appropriate and possible, any information about actions for which those parties may be cited, for their review and response within a specified deadline. To further uphold the right of reply, the Group is committed to annexing to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any appropriate amendments regarding assertions already published in earlier reports, in consultation with previous Groups of Experts, where possible.

Nevertheless, the Group is not a judicial mechanism or an intelligence service, and does not dispose of the financial resources, technical assets, or legal power to subpoena information which in a number of Member States is protected by privacy laws. The Group relies upon the cooperation from Member States to support its investigations by providing the Group with, as per paragraph 16 of resolution 2021 (2011) "unhindered and immediate access to persons, documents, and sites the Group of Experts deems relevant to the execution of its mandate." Though the Group generally does not benefit from a favorable response rate to its written inquiries for concrete evidence from Member States, it remains grateful to those Member States which have conducted thorough inquiries into individuals and issues raised by the Group, including such cooperation recently extended by Norway. The Group encourages Member States to provide information on regional and international networks with potential links to armed groups in the DRC, unprompted by the Group's inquiries, and to consider taking action bilaterally or regionally on the recommendations contained in the Group's reports.

***Engagement with the Government of Rwanda***

The Group conducted seven investigative missions to Rwanda, incuding two official visits with the Government of Rwanda. The Group traveled to zones in western Rwanda where recruitment for M23 has been taking place, in particular to the towns of Ruhengeri and Kinigi. For further information regarding the Group's engagement with the Government of Rwanda prior to the publication of the Addendum to the interim report, see paragraphs 6-17 of Annex 3 regarding the Government of Rwanda's claims that the Group did not provide it with a right of reply.

Following the Group's second official visit to Kigali on 25-27 July 2012, the Government of Rwanda has subsequently refused on five separate occasions to meet and cooperate with the Group of Experts including during the Minister of Foreign Affairs' visit to New York in August 2012. Moreover, the Group was willing to delay the submission of its final report, scheduled for 12 October 2012 (though Securty Resolution 2021 required submission "by 19 Ocobter 2012") in order to provide the Government of Rwanda with one last opportunity to discuss with the Group on 13 October 2012 in Rwanda. However, the Government of Rwanda once again refused to participate in any meeting with the Group's Coordinator.

***Engagement with the Government of Uganda***

The Group conducted a total of ten investigative missions to Uganda, including an unprecedented three official visits to discuss the situation in the eastern DRC with government representatives designated by the Permanent Mission of Uganda to the United Nations. During the Group's first visit from 23-25 May 2012, the Ugandan Foreign Ministry arranged only one roundtable discussion with some senior security officials. During that meeting, the Group posed several questions about the M23 rebellion's deployments near the Ugandan border but did not receive any response. Though the Group requested a follow-up meeting with the heads of external and military intelligence to discuss M23, the Ugandan officials told the Group that any discussion on this subject would need to pass through official channels.

In early June 2012, the Group orally expressed its disappointment to representatives of the Ugandan Permanent Mission to the United Nations, who instructed the Group to conduct a follow-up visit to Kampala and explicitly request in writing to meet with the heads of external and military intelligence to discuss M23. The Group communicated accordingly in a letter dated 9 August 2012.

However, during the subsequent second official visit to Uganda from 17-18 September 2012 (extended to 22 September 2012), the Ugandan representatives only organized a one-hour meeting for the Group with junior security officials. A lieutenant from military intelligence told the Group that that: a) no M23 member had ever been present in Ugandan territory, despite this being public knowledge at the time; b) M23 was simply "winning hearts and minds of the Congolese people" and; c) no Ugandans were supporting M23 from Ugandan territory or in the DRC. The Group took note of these official statements, but insisted on a serious discussion regarding M23 with senior external and military intelligence officials, as per its letter. However, Ugandan officials declined to arrange any further meetings for the Group, despite the dozens of phone calls and even a personal follow-up visit to the Foreign Ministry by the Group's Coordinator. The Group remained an additional five days in Uganda waiting for this meeting and only departed the country on 23 September 2012.

As such, in an email dated 24 September 2012, the Group expressed its disappointment once again to the Ugandan Permanent Mission to the United Nations in New York who then arranged for a third official visit to Uganda to meet with a senior officer within the Ugandan police. On 14 October 2012, the Group traveled to the Ugandan border town of Kisoro and presented the designated representative of the Government of Uganda with its findings, explicitly stating that individuals within the Ugandan security services had provided technical, political, and material support to M23. The senior Ugandan police officer acknowledged that this support to M23 was indeed taking place, but maintained that this was not an official government policy and promised to take immediate action to investigate and arrest any individuals involved in such support to M23.

In a letter dated 15 September 2012, the Permanent Mission of Uganda to the United Nations invited the Group to return to Kampala for a fourth official visit. Unfortunately, the Group had already completed its field research and was in the process of returning to its home bases at the time. The Group replied that it would be happy to follow up on expressed plans by the Government of Uganda to take action against M23 supporters in Uganda through a meeting in Goma. However, no Ugandan official traveled to the DRC to meet with members of the Group.

# Annex 3

## The text of the Group's written response to the Committee, dated 2 October 2012, concerning the Government of Rwanda's rebuttal to the Addendum (S/2012/348/Add.1).

### I. Introduction

1. Though the Group of Experts' findings of Government of Rwanda (GoR) violations of the arms embargo have received broad support from the members of the Committee, the GoR's rebuttal is characterized by a tone of general disdain for the Group's work and its methodology. The GoR states that the Group's findings "have no value whatsoever, and should be considered with the contempt they deserve."[5] Publically, Rwandan President Paul Kagame has called the Addendum, "rubbish."[6] During the Group's visit to Kigali, the head of GoR delegation said the Group's work was "trash."

2. The GoR rebuttal's seeks to distort the conclusions of the Group's investigations so as to portray them as if they "hinge on" specific minor details.[7] However, the Group purposefully stated that it had gathered "overwhelming evidence" demonstrating that the GoR had directly violated the United Nations arms embargo and sanctions regime. During an intense period of its investigations, dating from 4 May 2012 when the GoR created M23 to 13 June 2012, when the Group orally presented its findings before the Sanctions Committee, the Group reached conclusions about GoR violations of the arms embargo and organized them within seven categories:

- Direct assistance in the creation of M23 through the transport of weapons and soldiers through Rwandan territory
- Recruitment of Rwandan youth and demobilized ex-combatants as well as Congolese refugees for M23
- Provision of weapons and ammunition to M23
- Mobilization and lobbying of Congolese political and financial leaders for the benefit of M23
- Direct Rwandan Defence Forces (RDF) interventions into Congolese territory to reinforce M23
- Support to several other armed groups as well as Forces armées de la république démocratique du Congo (FARDC) mutinies in the eastern Congo
- Violation of the assets freeze and travel ban through supporting sanctioned individuals.[8]

3. As per its previous commitments, the Group has made clear its willingness to correct and/or clarify any information within the categories which may be required following additional research. However, the Group explicitly adopted an approach of categorization of arms embargo violations, not only to

[5] Paragraph 41 "Rwanda's Response to the Allegations Contained in the Addendum to the UN Group of Experts Interim Report" 27 July 2012, (hereinafter "GoR rebuttal").
[6] William Wallis, "Congo casts a pall over progress," The Financial Times, 24 September 2012, available at http://www.ft.com/intl/cms/s/0/a2ffad5a-034b-11e2-a284-00144feabdc0.html
[7] Paragraph 3, GoR rebuttal.
[8] Paragraph 2, S/2012/348/Add.1

present its findings in the most coherent fashion possible, but also to avoid the possibility that one detail would undermine the entire category. Even if the Group were to retract one or two elements per category, more than sufficient evidence would remain to substantiate each of the seven categories of violations of the arms embargo.

4. Nevertheless, the Group does not share the view that any of the arguments in the GoR's rebuttal would convince it to alter any particular elements or overall categories of the Addendum.

5. The Committee has consistently requested that the Group seek to compliment first-hand witness testimony with as much physical documentation it is able to gather. The Group included the images and documents in the Addendum for this reason. However, this physical documentation does not constitute the foundation upon which the Group's findings are based, but rather they reinforce the unprecedented number of credible first-hand witness accounts attesting to GoR support to armed groups in the eastern DRC.

6. Prior to the submission of the Addendum, the Group interviewed over 80 former combatants who all confirmed Rwandan support to armed groups, including M23. Many of these combatants were interviewed several times by different members of the Group and in multiple languages to evaluate potential inaccuracies in their testimony. The Group also cross-checked and confirmed these accounts with dozens of other sources including local leaders, villagers, politicians, former members of CNDP, current and former members of the RDF, other Rwandan authorities, border officials, and in many cases, current M23 members themselves. Without these detailed first-hand accounts, none of the complimentary images and/or documents standing alone would have led the Group to reach the conclusions that it did.

## II. GoR Arguments on Fairness and Process

### a) Absence of a right of reply

7. Throughout its rebuttal to the Group's Addendum, the GoR repeatedly makes the claim that the Group "did not feel compelled to consult the Rwandan authorities."[9] The rebuttal defends that "at no stage was the GoR provided an opportunity to offer substantive input"[10] and "none of the sources interviewed were Rwandan officials."[11] Furthermore, the GoR argues "any formal consultation with the GoR would have invalidated the need for the addendum."[12]

8. As stated in the Addendum,[13] these claims are untrue. From 14-17 May 2012, the Group, in connection with its letter sent to the Permanent Mission of Rwanda on 19 April 2012, conducted an official visit to Kigali during which the GoR declined to participate in any substantive meetings with the Group other than a thirty-minute conversation on 17 May. During the latter, however, the Group quickly raised several concerns regarding the potential for external support from Rwandan territory to M23 in light of its recently established position along the DRC-Rwanda border. The GoR representatives declined to respond and stated that they took note of these questions.

[9] Paragraph 5, GoR rebuttal.
[10] Paragraph 24, GoR rebuttal.
[11] Paragraph 21, GoR rebuttal.
[12] Paragraph 54, GoR rebuttal.
[13] Paragraph 58, S/2012/348/Add/1.

9. The GoR has also stated that the GoE did not explicitly mention M23 in its letter of 19 April 2012 concerning this visit to Kigali.[14] However, M23 was created on 4 May 2012, more than two weeks after the transmittal of the Group's letter regarding this official visit. Therefore, the Group could not have made any reference to M23 in such a communication, as the rebel movement did not exist at the time. The GoR also claims that "the purpose of that visit was unrelated to violations of the UN Arms Embargo and certainly not to Rwanda's alleged support to the M23 mutiny."[15] However, the Group's core mandate is the arms embargo, and all of its activities, research, and official visits are fundamentally based on monitoring its application and investigating violations of the embargo. In the second paragraph of its 19 April 2012 letter, the Group states, "As you are aware, the Group of Experts is mandated by the Security Council to monitor implementation and investigate violations of the arms embargo, with a view to recommending individuals and entities for financial and travel sanctions."[16] Furthermore, during its previous mandates, the Group has always discussed external support to armed groups in violation of the arms embargo while conducting its official visits to Rwanda. This has included diaspora backing of the FDLR and previous GoR support to the CNDP. Furthermore, the Group attached to its 19 April 2012 letter to the GoR a copy of Security Council resolution 2021 (2011), which constitutes the current mandate of the Group of Experts and renews the arms embargo on all armed groups operating in the DRC.

10. Prior to this official visit, the Group made two other attempts to meet with the GoR in Kigali. At the outset of its mandate, on 29 February 2012, representatives of the GoR's Permanent Mission to the United Nations invited the Group to Kigali for a series of meetings during the third week of March 2012. However, when the Group sought to arrange the final details, the GoR canceled the visit. Subsequently on 7 April 2012, two members of the Group arranged a meeting in Kigali with Rwandan Minister of Defence, General James Kabarebe. However, after traveling three hours from Goma to Kigali and waiting another five hours, the meeting was also canceled.

11. The Group raised its frustration with the lack of communication with the GoR's Permanent Mission to the United Nations on 6 June 2012. As a result, two senior government officials did meet with a member of the Group in Kigali on 9 June 2012, during which time they explicitly discussed the crisis in eastern DRC and the activities of M23.

12. Furthermore, at the specific request of members of the Committee, the Group agreed to delay its submission of the Addendum in order to provide the GoR with an opportunity to share any explanations or clarifications regarding the Group's findings. On 25 June, the Coordinator of the Group met in New York with the Rwandan Minister of Foreign Affairs and Cooperation, H.E. Louise Mushikiwabo, the Permanent Representative of Rwanda to the United Nations, H.E. Eugène Richard Gasana, and the Presidential Security Advisor, Major Patrick Karuretwa. With regards to this meeting, the GoR rebuttal states that "The GoE coordinator also offered to include in the report any comment from his Rwandan interlocutors, notwithstanding the fact that, even at that stage, he did not present anything beyond the "general categories of allegations" against Rwanda."[17] This claim is untrue.

[14] Paragraph 30, GoR rebuttal.
[15] Paragraph 30, GoR rebuttal.
[16] S/AC.43/2012/GE/OC.7, 19 April 2012, available at Annex R, GoR rebuttal
[17] Paragraph 29, GoR rebuttal.

13. During this meeting, the Coordinator, accompanied by a member of the United Nations Secretariat, clarified for the GoR delegation the Group's methodology, the process of the submission of the interim report (S/2012/348) and the circumstances of the Addendum. However, contrary to what the GoR rebuttal purports, when the Coordinator began his briefing on the contents of the Addendum, the GoR delegation asked the Coordinator to wait until a follow-up visit to Kigali in July 2012.

14. After explaining that members of the Committee had explicitly requested that the Group provide the GoR with the contents of the Addendum and the opportunity for a right of reply, the Coordinator proceeded with his briefing. Though the GoR representatives listened to the Group's findings, they declined to pose any questions or respond with any explanations or clarifications. Nevertheless, immediately following the meeting with the Coordinator on 25 June 2012, the Minister conducted a press conference at the United Nations on the crisis in eastern DRC, during which she stated, "Rwanda is not privy to the leak of this report. We don't really know what is being claimed here but. . . our position is that whatever is in the report, Rwanda and the Rwandan Army doesn't know and hasn't had the opportunity to look at the allegations and comment."[18] On that same evening, the Coordinator held a follow-up meeting with Major Karuretwa to discuss further the contents the Group's Addendum. However, Karuretwa once again declined to provide any explanation or clarification of the Group's findings.

15. Despite these facts, the GoR claims that "it is therefore preposterous to suggest that a 30-minutes meeting, two hours before the submission of the addendum to the UN Sanctions Committee, could be considered as Rwanda's opportunity to respond to detailed allegations against its senior officials." Not only did the meeting with the Minister take place from 9 am to 11 am, but the Addendum was submitted to the Sanctions Committee the following day on 26 June 2012. The Group communicated in writing to the Chairman of the Committee regarding the GoR's reticence to take advantage of this opportunity for a right of reply on 25 June 2012.

16. In the absence of any explanation or response the Group sought out information which could constitute an official GoR position, for the purposes of the Addendum, including a statement made by the Rwandan representative to the African Union[19] as well as the confidential Rwandan report within the Joint Verification Mechanism.[20]

**b) Pressure from the Sanctions Committee**

17. The GoR's rebuttal claims that "Mr. Hege admitted that the GoE did not initially intend to present the allegations at that stage but bowed to demands by members of the DRC Sanctions Committee."[21] However, the Group originally submitted an interim report to the Committee on 18 May 2012, which it began drafting prior to the creation of M23. By the time the Group arrived to present its findings to the Committee on 13 June 2012, it had already gathered considerable evidence on GoR violations of the arms embargo. The Group provided the Committee with multiple options for the presentation of such new and critical information and suggested the publication of an Addendum to the interim report,

[18] Available at http://webtv.un.org/search/press-conference:-the-situation-in-the-eastern-part-of-the-democratic-republic-of-the-congo-drc/1706444622001?term=mushikiwabo

[19] Paragraph 56 & Annex 11, S/2012/348/Add.1.

[20] Paragraph 55 & Annex 9, S/2012/348/Add.1.

[21] Paragraph 31, GoR rebuttal.

which was endorsed by the Committee. Though independent in nature, the Group operates on the basis of the guidance and advice of the members of the Sanctions Committee.

**c) Pressure from the media & NGOs**

18. The GoR rebuttal refers to a series of social media commentary by the Director of Human Rights Watch in seeking to explain the origins of the Addendum.[22] It also argues that "news organizations transformed unverified allegations from an interim document into the central element of the GoE's findings namely that Rwanda was secretly supporting militia groups in the eastern DRC."[23] As previously described (see paragraphs 13 & 17 above), the process of the submission of an Addendum to the interim report was based on the Group's independent technical investigations on arms embargo violations and its consultations with the Committee. The submission was, therefore, in no way related to social media commentary or news organisations.

**d) Follow-up visit to Kigali following publication of the Addendum**

19. As per its commitment expressed in the Addendum,[24] the Group conducted a second official visit to Kigali from 23-25 July 2012 in order to formally receive the GoR response to the Group's findings. In paragraph 10 of its rebuttal, the GoR states that during the visit, it provided the Group with "technical evidence regarding each allegation."[25] This is not the case. While the GoR did orally brief the Group on its response and referred to many documents, including confidential internal MONUSCO reports, the GoR did not provide the Group any document to view or read during its visit. However, the GoR did pose numerous questions to the Group about its alleged failings in methodology.

20. The GoR states that "as acknowledged by members of the GoE, it is strongly expected that the information shared will be clearly reflected in the final GoE report."[26] The Group never acknowledged that it would adopt the GoR's version of events in the final report, but rather consistently stated throughout the three days, that it would "take into consideration" the GoR's information during its ongoing investigations.

**III.GoR Arguments on Methodology**

**a) Manipulation of the Group by the Government of the DRC**

21. During the 23-25 July 2012 visit to Kigali, the GoR argued that the Group was the victim of an elaborate set-up orchestrated by the Congolese military leadership and intelligence services to frame Rwanda. The Group has found no evidence to support this hypothesis. The Congolese military and intelligence authorities could hardly be in a position to fabricate interviews with over 80 ex-combatants, throughout Ituri, North Kivu, and South Kivu provinces, in order to "support and disseminate their own allegations."[27] Furthermore, it is very unlikely that in addition to ex-combatants, the Government of the DRC would have been able to set up testimonies from local villagers, politicians, border officials, civil society groups, former rebel commanders, former and

[22] Paragraph 12, GoR rebuttal.
[23] Paragraph 19, GoR rebuttal.
[24] Paragraph 58, S/2012/348/Add.1
[25] Paragraph 10, GoR rebuttal.
[26] Paragraph 10, GoR rebuttal.
[27] Paragraph, 24, GoR rebuttal.

current RDF officers, and even active M23members and collaborators which the Group consistently consulted during its tield investigations.

22. Secondly, the GoR's argument ignores the fact that up until 7 June 2012, the official DRC government policy was to avoid any public accusations against Rwanda in the hopes of quietly resolving the issue of the GoR's support to M23. As such, the DRC's senior officials instructed the military and civilian intelligence communities not to mention GoR involvement in their interactions with the Group and sought to hide information from the Group as well as block access to key first-hand witnesses.

23. The claim that the Government of the DRC misled the Group by feeding it false information also overlooks the fact that in its recent reports, the Group has found numerous DRC authorities to be in violation of the arms embargo. The Group has also consistently highlighted the risks related to the handing over of military power in eastern DRC to abusive and criminal commanders of the ex-CNDP, an arrangement which the Government of DRC previously defended as necessary in the interest of peace.

24. Prior to the submission of the interim report (S/2012/348), the Group had only met once the Administrator General of the *Agence Nationale de Renseignements* (ANR), KalevMutundo during the month of March 2012. Only on 7 June 2012 did the Administrator General phone the Coordinator to ask for a copy of the Group's interim report. Contrary to the assertions of the GoR, the Group conducted its investigations on GoR violations of the arms embargo without any formal assistance from the ANR and the FARDC's military intelligence chiefs.

25. Finally, though not explicitly stated in its rebuttal, in several media interviews, the senior leadership of the GoR has claimed that the Group is constituted of young and inexperienced experts who would be easily manipulated by DRC authorities. In an interview, General Kabarebe asks, "How could the United Nations designate these people as expert, so young, and little experienced, who get lost in acronyms . . .They don't even have a minimum level of comprehension necessary in this region."[28] However, the Secretary-General appointed each member of the Group based on his/her ex'ensive research experience on the DRC and the Great Lakes region. With five of the six members of the Group having returned from the 2011 mandate, the current Group, in fact, benefits from considerable experience in arms embargo violations monitoring.

### b) Confidentiality of the Group's sources

26. Throughout its rebuttal, the GoR frequently criticizes the principal of confidentiality of the Group's sources. The GoR claims that the Addendum is based on "hearsay and anonymous witness testimony."[29] The GoR argues that "the onus to prove the identity of the alleged surrendered RDF soldier is on the GoE and/or its sources."[30] The GoR also states that "Rwanda has not been given a chance to interview the subjects or examine their testimonies and the GoE has not provided the details

[28] "Cartes sur table: les quatres vérités du général James Kabarebe," Le carnet de Colette Braeckman, availableathttp://blog.lesoir.be/colette-braeckman/2012/08/29/cartes-sur-table-les-quatre-verites-du-general-james-kabarebe/

[29] Paragraph 6, GoR rebuttal.

[30] Paragraph 49, GoR rebuttal.

of the individuals. Therefore, their testimonies cannot be used in the report",[31] and the Group does not provide names of ex-FDLR sent to reinforce M23.[32]

27. Nevertheless, in accordance with endorsed expert panel methodologies, the Group strictly adheres to the confidentiality of its sources.[33] In light of the highly sensitive nature of the GoR's violations of the arms embargo, this principle is even more paramount. In all of its reports, the Group endeavours to provide the Committee with a general idea of the category of sources which substantiate specific assertions, without revealing information which may compromise the physical security of those individuals.

28. During the Group's visit to Kigali, however, the GoR insisted on questioning members of the Group regarding specific individuals the GoR suspected of cooperating with the Group's investigations. The GoR intentionally named individuals in order to assess the reaction from the Group.

### c) Fabrication of testimony by witnesses

29. The GoR suggested that the Group's sources fabricated evidence and testimony against Rwanda.[34] The GoR has argued that particularly ex-combatants have obvious motivations to lie and distort their stories so as to please the authorities in whose custody they remain. The rebuttal states that "fabricating evidence and dictated narratives, often represent the only life-ticket for 'former enemies' in the hands of the notoriously abusive Governmental services and armed forces."[35] General Charles Kayonga refers to ex-combatants as "coerced witnesses"[36] and Captain Celestin Senkoko argued that those who provided information about his involvement "have done so out of duress and fear to save their lives."[37]

30. The Group found no evidence to substantiate the GoR's claims. As previously mentioned (see paragraph 22 above), from the earliest stages of the mutiny, the Government of DRC was adamant about hiding any information and/or witnesses which might implicate Rwanda. Thus, it would be impossible for these same authorities to "coerce" testimonies for the Group. Furthermore, nearly all the ex-combatants that the Group interviewed were initially reticent to provide sensitive information. Contrary to any possible coercion from Congolese authorities who were not present during the interviews, it was only when ex-combatants built greater trust with members of the Group that they, on guarantees of strict confidentiality, revealed information concerning GoR support to armed groups. Furthermore, the Group consistently assessed all accounts for credibility through extensive interviews with local villagers, politicians, former RDF officials, as well as, in many cases, with current M23 members themselves.

31. Moreover, in its past cooperation with the Group, the GoR has facilitated numerous interviews with former combatants within Rwanda. The Group has consistently accepted these opportunities and conveyed to Rwandan military intelligence that, as it did during its investigations of the Addendum,

[31] Paragraph 38 (b) GoRrebuttalGoRrebuttal.
[32] Paragraph 38 (g), GoR rebuttal.
[33] The Group makes exceptions in the case of official positions by individuals or governments.
[34] Paragraph 7, GoR rebuttal.
[35] Paragraph 25, GoR rebuttal.
[36] Paragraph 3 & Annex H, GoR rebuttal.
[37] Annex J, GoR rebuttal.

the Group must interview ex-combatants without the presence of security officials and independently corroborate any accounts provided to it.

**d) Lack of a motive**

32. Another argument which the GoR has advanced is that the Group did not provide an explanation for Rwandan violations of the arms embargo. During its visit to Kigali, GoR representatives told the Group that they had been the guarantors of the integration of the CNDP since the joint RDF-FARDC "Umoja Wetu" operations (Jan-Feb 2009), and therefore it would be illogical that they undermine such a process. The GoR rebuttal states that the "GoE fails to ask why would Rwanda support M23 and what would it be seeking?"[38]

33. In line with its mandate, the Group of Experts is first and foremost a team of field investigators who establish facts concerning violations of the arms embargo and sanctions regime. However, the Group's previous reports, notably the 2011 final report (S/2011/738) and the 2012 interim report (S/2012/348), provide sufficient findings, including on the regional trade in natural resources, for independent political analysts to determine the motivations behind the GoR's support to armed groups in the eastern DRC.

**e) Disregarding material evidence**

34. The GoR also argues that the Group routinely "disregarded available material evidence"[39] in favour of testimonies. Unfortunately, as the GoR avoided any substantive engagement with the Group, as mentioned above (see paragraphs 8-15 above), it was not possible to obtain any material evidence in Rwanda. Furthermore, as this response to the GoR's rebuttal demonstrates, GoR documents have not been sufficient to overrule or discredit the overwhelming evidence that the Group has independently gathered.

**f) Failure to investigate in Rwanda**

35. Finally, the GoR rebuttal states that "no or very limited effort is made by the GoE to collect corresponding amounts of testimonies from the Rwandan side where most of the alleged events occurred."[40] However, the Group did indeed conduct investigations in Rwanda in areas where RDF recruitment for M23 had been taking place. These visits confirmed and complimented the accounts provided by numerous former combatants, politicians, former RDF officers, and border officials.

36. Nevertheless, the Group has found it extremely challenging to conduct research in Rwanda where the authorities have routinely followed the Group, questioned several of the Group's interlocutors and interpreters, and forced them to make official statements for intelligence purposes. The brief conversation that a member of the Group held with Lieutenant Colonel Jomba (see paragraph 83 below) led to an exhaustive report regarding Jomba's communications with the Group.[41] This example confirms the Group fears for the potentially negative consequences of even short interactions with individuals within Rwanda.

[38] Paragraph 8, GoR rebuttal
[39] Paragraph 20, GoR rebuttal.
[40] Paragraph 27, GoR rebuttal.
[41] Annex N, GoR rebuttal.

## IV. GoR Arguments on Factual Grounds

### a) RDF direct reinforcements of M23 operations in the DRC[42]

37. Collected over a period of five weeks, the Addendum outlines twelve credible and detailed accounts of RDF direct reinforcement to M23 during its operations and combat against the FARDC. However, the GoR argues that "provision of evidence regarding unit's designations, names of their commanders, areas of operations, and other identifiers and operational details may be the only way this allegation can be credible."[43]

38. In its confidential letter to the Committee dated 7 August 2012,[44] the Group stated very clearly the names of commanders and unit numbers involved in the attacks on Bunagana and Rutshuru during the month of July 2012. While the GoR appears to have obtained a copy of this confidential letter and publicly criticized elements of its contents, the GoR did not refute the Group's documentation of operational details including RDF units and commanders that the Group cited as taking part in the M23 attacks in Rutshuru.

39. Furthermore, during the course of the Group's visit to Kigali on 23-25 July 2012, GoR representatives wrote a detailed message to the Group cautioning it that members of the Congolese intelligence services were meeting together to fabricate false evidence regarding Rwandan involvement in upcoming M23 attacks. As predicted by the GoR, the M23 attacks did take place between 25-26 July, taking the major towns of Rutshuru, Kiwanja, and Rumangabo. Subsequently, the Group found no independent confirmation or additional evidence of the meeting the GoR alleged to have taken place, but did confirm the presence of RDF reinforcements in those particular M23 operations in Rutshuru. Not only did ex-combatants, politicians, FARDC, and M23 members themselves confirmed the RDF participation, but also over ten villagers in Rutshuru stated that the RDF troops were very visible because of their distinct discipline and the manner in which they carried themselves. Confirming the credibility of such accounts, during its 23-25 July 2012 visit to Kigali, General James Kabarebe argued that RDF soldiers could not be in the DRC, because they would be too easily identifiable for exactly these same reasons.

40. Furthermore, the GoR argues that General Ntaganda does not need RDF support because he was one of the most senior officers in the FARDC. However, the Group described in its interim report (S/2012/348) how ex-CNDP officers began resisting Ntaganda's orders as of March 2012, thus undermining his role and credibility. In fact, Ntaganda was so weakened that, after escaping from Goma following immense pressure for his arrest, the FARDC successfully defeated his mutineers in Masisi. Ntaganda subsequently was forced to flee once again towards the Rwandan border after his troops had been driven out of Masisi. Ex-RDF and ex-CNDP former officers told the Group that an advance party of soldiers loyal to Ntaganda, as well as RDF special units, had been sent to Runyoni to prepare General Ntaganda's military position ahead of his arrival.

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[42] Paragraph 31 & 32, S/2012/348/Add.1

[43] Paragraph 48, GoR rebuttal.

[44] S/AC.43/2012/NOTE.14, dated 8 August 2012

### q) Phone calls to FARDC officers by RDF Generals Kayonga and Kabarebe[45]

41. Concerning the Group's findings that Generals James Kabarebe and Charles Kayonga made numerous calls to recruit and intimidate individuals on behalf of M23, the GoR claims that the Group "deliberately" took these communications out of context. The rebuttal states that "most of the phone calls and/or meetings were either solicited by the DRC Government or pursuant to mechanisms established in the spirit of the UMOJA-WETU framework."[46] In his letter contained in the rebuttal, Kabarebe cites five meetings and during discussions with the Group, he referred to "numerous" phone calls and meetings with FARDC senior officers involved in the original mutiny and eventually M23.[47]

42. DRC authorities have confirmed that the Minister of Defence of another country is only authorized to speak with his counterpart and that no "UMOJA-WETU"[48] framework exists which allows him to contact subordinates of the opposite Minister of Defence. Moreover, ex-RDF officers, ex-CNDP officers, current M23 members, FARDC officers and politicians with close ties to the GoR have repeatedly informed the Group that Generals Kabarebe and Kayonga have made these phone calls actually to give direct orders to ex-CNDP and M23 officers in the Kivus, including General Ntaganda.

### b) The use of Kanombe military barracks in support of M23[49]

43. As cited above, in support of its conclusion that the GoR had deployed RDF forces in the DRC to sporadically reinforce M23, the Group gathered twelve detailed accounts of this particular category of arms embargo violation. One of the accounts mentioned "training" at the Kanombe military barracks. The GoR claims in its rebuttal that training in Kanombe is impossible because "it is common (and verifiable) knowledge that Kanombe is a garrison-type barracks that comprises living quarters; a referral military hospital also open to civilian patients; a cemetery; and five service support units' headquarters and related facilities."[50]

44. However, the Group did visit Kanombe barracks on 25 July 2012, alongside RDF officers, and found that there were indeed several parade fields for marching and military drills as well as wooded areas where training could be conducted. Furthermore, for covert operations in DRC territory, "training" for experienced RDF soldiers usually consists of briefings and preparations of small groups, to be carried out in any military facility. The Kanombe military barracks provides more than sufficient facilities for such activities. The Group communicated these observations to the GoR while at Kanombe, but nevertheless the GoR rebuttal inaccurately states that "a tour of Kanombe barracks carried out by members of the GoE on the 25th of June 2012 made it clear that no military instruction could be held in such a busy neighborhood."

45. Since the publication of the Addendum, the Group has independently confirmed with several ex-RDF officers, an ex-CNDP officer, an M23 collaborator and other Rwandan nationals that the Kanombe military hospital treats RDF casualties resulting from operations in the DRC in support of M23. According to the same sources, RDF troops recently killed in operations in the DRC have also

[45] Paragraphs 27, 39, 46, S/2012/348/Add.1
[46] Paragraph 43 (b), GoR rebuttal.
[47] Annex F, GoR rebuttal.
[48] "UmojaWetu/UmojaWetu" refers to the joint operations conducted by the RDF and the FARDC in January and February 2009.
[49] Paragraph 31 (a), S/2012/348/Add.1
[50] Paragraph 38 (d), GoR rebuttal

been buried behind the hospital in the military cemetery at the Kanombe barracks. The RDF did not allow the Group to enter the hospital during its visit to Kanombe.

### c) RDF recruitment of Rwandans for M23[51]

46. With regards to recruitment of Rwandan citizens for M23, the GoR states that, "It is possible that M23 cadres or Kinyarwanda-speaking FARDC officers living in proximity of the DRC-Rwanda border could have clandestinely mobilized and recruited some youth to join their own movements. It cannot be ruled out either that Rwandan citizens with family backgrounds linking them to FARDC army officers or M23 fighters could have organized covert recruitment operations."[52] If this were indeed taking place, the GoR should have conducted a thorough investigation and sought to arrest individuals involved in such networks. To date however, the Group is not aware of any efforts made by the GoR to investigate or detain those individuals involved in recruitment activities within Rwandan territory. Furthermore, the RDF's dense deployment all along the border would make it impossible for M23 recruits to clandestinely enter into the DRC without a minimum level of tacit support.

47. Moreover, the GoR claims that during its own investigation, "the 30 Rwandans did not claim involvement by the RDF or any other official of the GoR."[53] Nevertheless, the GoR did not ever interview 30 Rwandan citizens in the DRC. Through the Joint Verification Mechanism (JVM), GoR representatives did however, interview 11 Rwandan nationals who, out of fear for potential threats to their lives upon return to Rwanda, refused to provide details about members of the same security force which they originally stated to the Group was involved in their recruitment from Rwanda.

48. Despite the fact that the GoR's representatives on the JVM recognized the ex-combatants as Rwandan citizens, when MONUSCO sought to repatriate them on 14 July 2012, the GoR refused to let them cross the border, questioning their nationality, and forced them back into UN camps. Unfortunately, in early September 2012, this indefinite delay led most of these combatants to return clandestinely to Rwanda.

49. Furthermore, the GoR argued that recruitment could not take place in refugee camps in Rwanda, because "UNHCR is in charge of refugee camps and not the Government of Rwanda."[54] In the Group's view, whether or not UNHCR oversees the management of refugee camps has no bearing on the capacity of RDF officers or M23 collaborators to enter and recruit. Moreover, refugees and M23 collaborators confirmed that recruitment has taken place in Nkarmira camp outside Gisenyi, regardless of UNHCR's presence.

50. Following the publication of the Addendum on 29 June 2012, the Group did visit Kinigi and specifically General Bosco Ntaganda's hotel used for M23 recruitment, by the name of Bushokoro.[55] The Group confirmed that the premises of Bushokoro correspond to the description provided by Rwandan ex-combatants of M23. An RDF protection force also surrounded the hotel and several individuals inside took photos of members of the Group.

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[51] Paragraphs 14-21, S/2012/348/Add.1
[52] Paragraph 38, GoR rebuttal.
[53] Paragraph 38 (a), GoR rebuttal.
[54] Paragraph 38 (e), GoR rebuttal.
[55] Paragraphs 16 & 50, S/2012/348/Add.1

### d) 75 mm canon rounds used by M23[56]

51. The GoR argues that in its interim report, the Group stated that it would inquire about the origins of the hundreds of 75 mm canon rounds which the FARDC discovered in the remaining weapons caches held by Colonel Sultani Makenga[57] and that there was not sufficient time to do so between the submission of the interim report and the Addendum. However, the Group submitted its interim report on 18 May 2012 and the Addendum on 26 June 2012, thus providing it over five weeks to follow-up on weapons and ammunition with several FARDC senior commanders, logistics officers, and military development partners.

52. During this period, the Group incontrovertibly established through dozens of interviews with ex-M23 combatants that the RDF had been providing M23 with arms and ammunition. To compliment this conclusion, the Group describes in the Addendum that the M23 had been using weapons and ammunition which were not available in FARDC stockpiles.[58] The Group specifically cites anti-tank rounds found on the battlefield as well as 75 mm canon rounds left behind by Colonel Makenga in one of his two arms caches. The GoR has consistently argued that M23 elements obtain their weapons and ammunition by removing them from FARDC stocks when they defect. However, FARDC stockpiles do not officially include 75 mm mortar rounds. As such, the Group sought to highlight the contradiction in those assertions.

53. During its visit to Kigali, the GoR informed the Group that since its arrival to power, the RPF had never purchased any 75 mm canon rounds. It acknowledged, however, that the previous government of President Juvénal Habyarimana did indeed maintain significant numbers of 75 mm canon rounds which the RPF seized upon taking control of the country in 1994. The GoR told the Group that it had systematically destroyed these rounds in 2008. The GoR did not provide the Group with any details of where and how these ammunition rounds were stored during those 14 years.

54. The GoR stated that "relevant documented evidence can be availed for in-situ review as verified by members of the GoE during their recent visit to the Ordinance Regiment on 25 July 2012."[59] This assertion is untrue. When RDF officers invited the Group to view the destroyed ammunition, the Group only observed massive piles of dismantled AK-47 rifles. The RDF officers told the Group that the 75 mm canon rounds were not visible because they were at the bottom of the piles of small arms. The Group is of the view, however, that the only safe means of destroying 75 mm canon rounds would be that of large-scale detonation. This would have to take place in open fields far from population centres, not at a military barracks situated less than a kilometre from Kigali International Airport.

55. Furthermore, following the recommendation from the GoR, the Group requested the Nairobi-based Regional Centre on Small Arms (RECSA)[60] to provide it with information concerning the destruction of weapons in Rwanda over the last decade. However, the response obtained from RECSA only included small arms and light weapons, indicating that no 75 mm canon rounds have been destroyed in Rwanda.

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[56] Paragraph 24 & Annex 4, S/2012/348/Add.1
[57] Paragraph 119, S/2012/348/Add.1
[58] Paragraph 24, S/2012/348/Add.1
[59] Paragraph 40 (b), GoR rebuttal.
[60] http://www.recsasec.org/

56. Finally, the GoR claims to have "credible information,"[61] which it did not avail to the Group, that the FARDC possesses 75 mm canon rounds. Subsequent to the Group's 23-25 July 2012 visit to Kigali, the GoR has argued that the 2008 final report of the Groups of Experts (S/2008/773) found that the CNDP had looted one 75 mm canon from the FARDC, and the 2009 final report of the Group of Experts (S/2009/603) stated that upon integrating into the FARDC, the CNDP turned in six 75 mm recoilless canons to the government.[62] Nevertheless, though these very small amounts of 75 mm recoilless canons may exist in private caches of FARDC officers, the Group maintains that their corresponding ammunition, i.e. 75 mm canon rounds, of which Makenga had privately accumulated over 500, do not exist in official FARDC records and therefore could not have been obtained through diversion of government stockpiles.

### e) RDF Support to other armed groups[63]

57. The Group's Addendum included extensive findings that the GoR was not only supporting M23, but also several other armed groups in eastern DRC. However, in paragraph 47 of its rebuttal, the GoR claims that it "has no interest in aligning with small rebel groups to achieve its security objectives." Nevertheless, even prior to the creation of M23, the Group had confirmed GoR alliances with several armed groups which supported its covert operations against the FDLR.

58. Meanwhile throughout the Group's discussions during its 23-25 July 2012 visit to Kigali, the GoR consistently advocated in defence of all armed groups in eastern DRC which, in its view, should be regarded as credible and legitimate forces seeking protection against the FDLR and Government of the DRC. General Kayonga stated that all Congolese armed groups acted out of self-defence and that particularly Raia Mutomboki, responsible for wide-spread atrocities, pursued the same aims as M23. Though there are no FDLR present in Ituri, Kayonga also argued that even Cobra Matata of the FRPI was in fact created to fight against the Rwandan Hutu rebels. For his part, General Kabarebe told the Group that his country had a common history with all armed groups in eastern DRC, including Mai Mai Yakutumba, which were good friends with Rwanda because they fought together to overthrow former President Mobutu Sese Seko.

59. With regards to the former Rwandan-imposed Governor of South Kivu, Xavier Chiribanya,[64] the GoR stated to the Group in Kigali that it could not be held responsible for his activities within Rwanda aimed at fomenting instability elsewhere. However, pursuant to Security Council Resolution 2021 (2011), all Member States are obliged to take measures to halt any violations of the arms embargo.[65] To the Group's knowledge, Rwanda has undertaken no investigation into Chiribanya's activities.

60. During Minister Mushikiwabo's press conference held at the United Nations on 25 June 2012, the Presidential Security Advisor Karuretwa argued that M23 was not the only armed group in eastern DRC, but other groups, such as the previously obscure "*Coalition des groups armés de l'Iuri* (COGAI)", were in fact the real threats to security in eastern DRC. In the Addendum, the Group

[61] Paragraph 40 (b), GoR rebuttal.
[62] Paragraph 180, S/2009/603)
[63] Section III, S/2012/348/Add.1
[64] Paragraph 41-43, S/2012/348/Add.1
[65] http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2021%20(2011)

concluded that members of COGAI visited the Rwandan Minister of Defence in Kigali, receiving financial and political support, only two weeks before Karuretwa's remarks in New York.[66]

### f) Lake crossing into Rwanda of Colonel Makenga's weapons and troops[67]

61. With regards to the boat crossings into Rwanda of Colonel Makenga's weapons and troops, the GoR argues that "it is not possible for RDF zodiac boats to carry 60 personnel."[68] However, in the Addendum, the Group does not state that the motorized boats used in this case were RDF zodiac boats. According to three ex-M23 soldiers who participated in the journey, Colonel Makenga rented civilian boats specifically for this operation and the motors were turned off so as not to attract any attention. These same sources stated that Rwandan civilians had been paid to manually row the boats.

62. The GoR also claimed during the Group's 23-25 July 2012 visit to Kigali that FARDC Naval units deployed on the lake should have sighted and stopped the boats if they had crossed into Rwanda. During previous mandates, the Group has documented undisturbed docking of boats at Makenga's residence, as well as the Congolese Naval units' inaction in curbing mineral trafficking across the lake.[69] The presence of FARDC Naval units on the lake is therefore not a deterrent to lake navigation between the DRC and Rwanda by night.

63. During its meetings in Kigali, despite insisting that the Group consider alternative scenarios for these events, the GoR failed to provide the Group with any reasonable explanation for how Colonel Makenga's weapons and troops could have travelled from his home in Bukavu to Runyoni without transiting through Rwanda. Furthermore, the FARDC has vigilantly monitored all road movements from South Kivu to North Kivu, thus rendering it impossible for them to have travelled through Congolese territory.

64. With regards to the arrival of Makenga's weapons and troops back to the DRC border, the GoR also argues that "it is inconceivable how offloading of troops in RDF uniforms, on RDF trucks and on the Rwandan side of the border at a time of tension would be viewed by so-called eye-witnesses as extra-ordinary and linked to Col. Makenga." The first-hand witness testimonies near the border with the DRC constitute additional confirmation of the original accounts described to the Group by ex-combatants who took part in the troop movement themselves. These latter accounts are rendered more credible when corroborated by independent local witnesses who attest to the arrival of RDF trucks on that same day, and subsequently observed the movement of these off-loaded troops and weapons across the border into the DRC.

65. Finally, the movement of Makenga's troops via Rwanda is consistent with a pattern of ex-FARDC defections. According to current and former M23 officers and DRC officials, most ex-CNDP officers who have joined M23 have done so using Rwandan territory.

### n) Troop crossing north of Goma and visible "boot tracks"[70]

66. The GoR questions the validity of a reference made by FARDC intelligence officers to "clear boot tracks" of another group of Makenga's troops crossing the border into Rwanda north of Goma.[71]

[66] Paragraphs 39 & 40, S/2012/348/Add.1
[67] Paragraph 10 & Image 2, S/2012/348/Add.1
[68] Paragraph 42 (b), GoR rebuttal.
[69] Paragraph 465, 490, 492, 497, 561, & 573, S/2011/738
[70] Paragraph 9, S/2012/348/Add.1

However, the accounts provided by the intelligence officers, border officials, and local leaders cited in the Addendum more than meets the Group's standards of evidence. The Group only included the reference to the "boot tracks" because separating the DRC and Rwanda at that specific location are several bean fields. The movement of these soldiers through these crops was thus very visible after the soldiers had crossed.

**s) FARDC intercepts of RDF-M23 radio communications**[72]

67. The GoR claims that the radio intercepts referred to in the Addendum were impossible because the RDF uses digital radio frequencies and not commercial ones.[73] However, in the Addendum, the Group did not state that the radio communications intercepted by the FARDC were transmitted through RDF radio equipment. Rather the Group concluded that the communications were between an RDF officer and an M23 officer. The Group based its findings on the analysis of radio intercepts carried out by several former armed group officers and one ex-RDF who confirmed the authenticity of the communications, based on specific confidential code names and language in Kinyarwanda used by the two parties.

68. According to ex-RDF and ex-CNDP officers, it is inconceivable that the RDF would provide troops, weapons, and supplies to M23, and conduct joint operations with the rebels, without establishing lines of radio communication. Former RDF and CNDP officers, with good knowledge of RDF operations, told the Group that RDF did not widely distribute its own communication equipment to rebels in the DRC out of fear they would be lost or seized as evidence. As a result, these same sources acknowledged that RDF officers have used M23 communication assets which are commercial radios also used by the FARDC, and thus easy to intercept, as in the case of the frequencies cited in the Group's Addendum. FARDC officers engaged in operations against M23 in North Kivu and South Kivu continue to regularly intercept M23-RDF communications. Ex-combatants and former RDF officers state that only the most senior M23 commanders use digital radios to communicate at the highest levels of the RDF.

69. Finally, the Group personally witnessed how an M23 officer, with a commercial radio, contacted the RDF Special Forces units deployed in Rutshuru for security reinforcements. The member of the Group encountered the RDF Special Forces who openly identified themselves as such, and confirmed that the M23 had called them for this task. Following the publication of the Addendum, the Group obtained further recordings of radio intercepts between commercial radios in which distinct RDF call signs are audible. Former RDF officers have confirmed the veracity of the communications.

**g) Former FDLR from RDF Reserve Force re-deployed to the DRC**[74]

70. Concerning the recycling of ex-FDLR combatants back to the DRC in support of M23, the GoR claims that this is impossible because "the RDF Reserve is not an independent force, and would not be in a position to provide unilateral support to armed groups."[75] In light of the Group's conclusion that the Minister of Defence, the Ministry's Permanent Secretary, and the Chief of Defence Staff are

[71] Paragraph 41, GoR rebuttal.
[72] Paragraph 31 (i) & Image 10, S/2012/348/Add.1
[73] Paragraph 50 & Annex O, GoR rebuttal.
[74] Paragraphs 20 & 21, S/2012/348/Add.1
[75] Paragraph 38 (f), GoR rebuttal.

directly overseeing operations in the DRC and support to M23, whether or not the RDF Reserve force could conduct unilateral operations is irrelevant. The RDF Reserve Force is under the ultimate command of Generals Charles Kayonga and James Kabarebe.

### h) RDF uniforms used by M23[76]

71. In response to the photograph of a Rwandan uniform in the Addendum, the GoR claims that all country's military uniforms are available throughout the Great Lakes region and particularly between Rwanda and the DRC as a result of extensive RDF-FARDC joint operations.[77] However, according to several senior DRC government officials, the FARDC provided the RDF Special Forces with Congolese uniforms and not the other way around.

72. The GoR also argues that "camouflage pants and any other military uniforms cannot be attributed to the RDF unless proper verifications establish that they bear RDF insignia or serial numbers."[78] M23 ex-combatants stated to the Group that the RDF soldiers who recruited them had provided them with military equipment, including uniforms; however many were forced to remove all potential references to the RDF. Following the combat which took place at Rumangabo on 25 July 2012, the FARDC recovered more RDF uniforms from surrendered and deceased soldiers, including one with a tag from the Rwandan textile company, UTEXRWA.

73. In the Addendum, the Group included a photo displaying RDF gumboots and pants from an ex-combatant in order to complement the account given by a former M23 soldier who attested to the provision of uniforms and weapons by the RDF. Once again, the photo does not stand alone as evidence, but reinforces and illustrates the accounts by former combatants of RDF provision of uniforms and boots.

74. Finally, during frequent visits to territory controlled by M23, the Group continues to observe combatants in RDF uniforms. To the Group's knowledge, M23 is the only armed group in the Kivus which uses RDF uniforms.

### i) Unique AK-47 rifle barrel used by M23[79]

75. The GoR rebuttal states that "a single rifle cannot constitute credible evidence of weapon supply to M23."[80] The Group agrees with the GoR in this case; as stated above, no piece of evidence taken out of context could lead the Group to a definitive conclusion. However, when the bearer of the weapons tells the Group that the RDF provided it to him, and this corresponds to dozens of other first-hand accounts of similar provision of weapons, the single rifle becomes a complimentary piece of evidence as a small illustration of a larger phenomenon.

### j) Captain Celestin Senkoko's support to M23[81]

76. In the GoR's rebuttal, Captain Celestin Senkoko acknowledges that "he has either initiated or they have initiated the calls to FARDC officers and to politicians."[82] Senkoko claims, however, that he did

[76] Image 5, paragraph 22, S/2012/348/Add.1.
[77] Paragraph 6, GoR rebuttal.
[78] Paragraph 39, GoR rebuttal.
[79] Paragraph 25 & Image 7, S/2012/348/Add.1
[80] Paragraph 39, S/2012/348/Add.1
[81] Paragraph 27, 28, & 33 (b), S/2012/348/Add.1
[82] Annex J, GoR rebuttal.

so out of efforts for peace and security. Furthermore, the GoR states that "Senkoko denies executing any specific duties relating to foreign policy, but merely serves in assignments commensurate with his rank of Captain."[83] Nevertheless, as the personal secretary of the Rwandan Minister of Defence, Senkoko is responsible for executing direct tasks that the Minister gives to him which have been, as the Group has concluded, directly related to support to M23. According to numerous local leaders and military officials, Senkoko has been responsible for clandestine operations in the DRC in collaboration with Ntaganda for many years throughout his military career, regardless of his rank.

### k) Bishop John Rucyhana's support to M23[84]

77. The GoR argues that Bishop John Rucyahana convened meetings for the purpose of peace and unity.[85] This claim clearly contradicts several accounts of individuals who were present in the meetings organized by Rucyahana and, on the contrary, attest to the Bishop's efforts to mobilize recruits and resources for M23 from within Rwanda. Furthermore, the participants in Rucyhana's meeting were mostly former CNDP politicians and M23 members who had fled from Goma (DRC) to Gisenyi (Rwanda), from where they have been openly working to support M23. The Group is not aware of any participant who has subsequently deserted M23 following meetings with Bishop Rucyahana.

### l) General Ruvusha's role in the creation of M23[86]

78. The GoR claims that General Ruvusha could not possibly have supported the movement of Colonel Makenga to form M23 because, at the time, he was on a two-week leave starting 30 April 2012.[87] Nevertheless, three first-hand witnesses interviewed by the Group placed General Ruvusha at the Kabuhanga RDF base on 5 May 2012. The same sources sighted Ruvusha together with Colonel Makenga, after the latter had fled through Rwandan territory and just before he returned to the DRC to create the M23 rebellion. In addition, M23 collaborators, as well as North Kivu political leaders, told the Group that Ruvusha met Makenga upon his arrival from Goma to Gisenyi on 4 May 2012.

79. As the RDF Division Commander in Gisenyi, it is highly unlikely that Ruvusha would have departed his post during a period of tremendous unrest along the border with DRC, as well as during RDF direct operations in the DRC.

### o) Representatives of Goma business community meeting in Kigali[88]

80. In its rebuttal, the GoR claims that there are no immigration records which show that the two Congolese businessmen cited in the Addendum, Desiré Rwabaenda and Dieudonné Komayombi, had ever crossed into Rwanda.[89] However, the Group has previously established the ease with which Rwandan and Congolese citizens can cross into Rwanda without having to provide any documentation. In its 2011 final report (S/2011/738), the Group documented border crossings in Goma where tons of minerals had been smuggled into Rwanda.[90] Furthermore, the GoR

[83] Paragraph 43, GoR rebuttal.
[84] Paragraph 29, GoR rebuttal. See also: http://bpjohnandharriet.org/UNletter.html
[85] Annex K, GoR rebuttal.
[86] Paragraphs 8 & 12, S/2012/348/Add.1
[87] Paragraph 42 (a), GoR rebuttal.
[88] Paragraph 30, S/2012/348/Add.1
[89] Paragraph 44 9b), GoR rebuttal.
[90] Paragraph 486, S/2011/738

acknowledged to the Group that General Bosco Ntaganda traveled to Rwanda in 2011, constituting a clear violation of the Committee's travel ban on Ntaganda, though the Group was unable to obtain any documentation of his entry into Rwanda or exit from the DRC. Finally, as mentioned above, most ex-FARDC defectors to M23 transit first via Rwanda, but are not registered in official immigration records (see paragraph 65 above).

**p) Support to M23 by RDF General Jack Nziza**[91]

81. In its rebuttal, the GoR maintains that the Permanent Secretary of the Ministry of Defence, General Jack Nziza, could not have been involved in supporting M23 activities from western Rwanda because he was fully dedicated to his "desk job" as chief administrator of the RDF in Kigali.[92] The rebuttal shows records of meetings that he conducted in his office and within Kigali throughout that time. However, the Group used the term "deployed" to signify that Nziza increased his presence in western Rwanda to directly oversee support and mobilization in favour of M23. The town of Ruhengeri, where most of the RDF support for the M23 has originated, is situated less than two hours by road and twenty minutes by helicopter from Kigali.

82. Furthermore, according to former members of the RDF and the GoR, regardless of his ever-changing official position, Nziza has played varying roles in special operations in eastern DRC for many years.

**r) Lieutenant Colonel Jomba's support to M23**[93]

83. With regards to the involvement of Lieutenant Colonel Jomba Gakumba in support of M23, the GoR claims that "The GoE would deliberately [disregard] specific information in their possession, and falsely accused Jomba."[94] Indeed, a member of the Group met with Jomba at Gako military academy for a short conversation on 20 April 2012. However, the Group recognizes that it is entirely possible that Jomba could have maintained some responsibilities at the Gako military academy while simultaneously contributing to the RDF's support to the establishment and operations of M23 from Ruhengeri, which is less than a three-hour drive from Gako. Despite his teaching responsibilities at Gako, the GoR has recently named Jomba as its representative on the military evaluation team deployed to North Kivu for the ICGLR[95]-backed "neutral force." Moreover, the Group continues to gather information regarding Jomba's involvement in support of M23.

**t) General Ntaganda's properties in Rwanda**[96]

84. Concerning the GoR's violation of the sanction regime through failing to apply the assets freeze on General Bosco Ntaganda, the GoR claims that the documents for the house identified by the Group as belonging to Ntaganda in the Rwandan town of Gisenyi are not in Ntaganda's name.[97] However, the Group did not seek to obtain the land records from the GoR regarding General Ntaganda's properties because the Group had previously established that Ntaganda has never held in his own

[91] Paragraph 27 & 33 (a), S/2012/348/Add.1
[92] Paragraphs 43 (d), 44 (a) & Annex I, GoR rebuttal.
[93] Paragraph 33 (e), S/2012/348/Add.1
[94] Paragraph 44 (d) & Annex N, GoR rebuttal.
[95] International Conference of the Great Lakes Region
[96] Paragraph 50 & Image 15, S/2012/348/Add.1
[97] Paragraph 52, GoR rebuttal.

name any of his extensive assets, including hotels, commercial businesses, vehicles, residences or bank accounts.

85. Furthermore, in an interview with Time Magazine published on 14 September 2012,[98] Rwandan President Paul Kagame responded to a question about Ntaganda's properties in Rwanda by saying, "So what? . . . I would not be bothered. We do not differentiate when it comes to money unless it is money that you killed people for or money that is questionable. But if you invest here, what's the problem?"

### u) Travel in Rwanda of sanctioned individuals[99]

86. With regards to the travel of sanctioned individuals into Rwanda, in contravention of the travel ban, the GoR acknowledged that General Ntaganda and Colonel Innocent Zimurinda have entered into Rwandan territory, but defended that they had only done so with the authorization of the DRC authorities.[100] Nevertheless, as the Group pointed out to the GoR while in Kigali, all Member States must enforce the travel ban unless provided an explicit exemption by the Sanctions Committee. With regards to sanctioned individual Sheka Ntabo Ntaberi, the GoR's rebuttal fails to respond.

### m) RDF tracer ammunition supplied to M23[101]

87. During its 23-25 July 2012 visit to Kigali, the GoR did not contest the Group's findings regarding RDF 7.62 tracer ammunition found in M23-controlled territory. Not only did the Group obtain examples of this ammunition, but local villagers told the Group that M23 forced them to transport military equipment from Rwanda to the rebels. According to FARDC officers, ex-M23 combatants as well as RDF sources, this particular AK-47 ammunition has been used by the RDF.

### v) General Laurent Nkunda's role in support of M23[102]

88. In its rebuttal, the GoR also fails to address the issue of pro-M23 activities by sanctioned individual and former CNDP Chairman, General Laurent Nkunda, who is supposedly under house arrest by the Rwandan authorities since January 2009. In subsequent discussions, one senior RDF official confirmed that Nkunda is indeed involved in the support to M23 as the Group has described.

## V. Attack Campaign Against the Group of Experts

89. Since the publication of the Addendum on 29 June 2012, the Group of Experts has explicitly avoided any confrontation and back-and-forth public debate with the GoR. Only when the latter requested to brief the Committee in New York on 27 August 2012, did the Group formally address the GoR's rebuttal and the attacks against it.

90. Nevertheless, following the publication of the Addendum, the GoR has orchestrated an extensive attack campaign against the members of the Group through multiple traditional and social media channels. One website managed by a French-Israeli "cyber-defense" expert, published photos of all

[98] Alex Perry, "Q & A: Rwandan President Paul Kagame," Time Magazine, 14 September 2012, available at http://world.time.com/2012/09/14/qa-rwandan-president-paul-kagame/#ixzz27gga4MEU

[99] Paragraphs 49 & 51, S/2012/348/Add.1

[100] Paragraphs 51 & 53, GoR rebuttal.

[101] Paragraph 23, S/2012/348/Add.1

[102] Paragraphs 27, 31 (a), & 34, S/2012/348/Add.1

the members of the Group.[103] The same individual authored an article in the Rwandan newspaper the New Times, claiming members of the Group were concocting a plan to seize the mineral wealth of eastern DRC.[104]

91. The GoR has also sought to personally attack the Coordinator of the Group of Experts, making false claims of genocide denial and alleging the Coordinator's sympathy for the FDLR. The GoR has referred to an unpublished discussion paper found on a document-sharing website for which the Coordinator was listed as the "contact" person. The paper outlines challenges to the demobilization of the FDLR and mentions the same massacres committed against Rwandan Hutu refugees which the UN's "Mapping Report"[105] thoroughly documented.

92. However, throughout its current and previous mandates, the Group has conducted objective and detailed investigations on support networks to all armed groups operating in the DRC, including the FDLR and its alleged links to Rwandan political dissidents. Rwandan military intelligence has extensively cooperated with the members of the Group, including the current Coordinator, in the conduct of such investigations. Following the publication of the 2011 final report (S/2011/738), the GoR did not refute any of the Group's conclusions regarding the FDLR. Furthermore, the GoR is aware that the Group of Experts has cooperated with the German Public Prosecutor's office in the trials of senior FDLR leadership, Ignace Murwanashyaka and Straton Musoni. The Coordinator conducted an official visit to Berlin within this framework at the end of May 2012.

93. Nevertheless, the GoR has gone so far as to even fabricate false testimony against the Coordinator from former FDLR officers. On 12 September 2012, at the MONUSCO DDRRR camp in Goma, the Coordinator interviewed, in the presence of other UN officials, an ex-FDLR officer who provided detailed accounts of numerous meetings with Steve Hege dating back to 2007 and most recently in November 2011. The ex-combatant claimed that Steve Hege had given the FDLR weapons and instructed it to blow up bridges in Rwanda. When confronted with the identity of the Coordinator, the individual eventually revealed that since early July 2012, several representatives of the Rwandan Presidency had called him nearly every other day for a period of two months preparing the story about the Coordinator which he was to recount during a press conference after returning to Rwanda. Upon his repatriation, MONUSCO informed the GoR regarding the manipulation of this former FDLR officer.

94. Despite these attacks, several other organizations, investigative journalists, as well as Member States, including those of the Southern African Development Community (SADC), have conducted their own independent inquiries and confirmed the Group's main findings that the GoR has violated the arms embargo through its support to M23 and other armed groups in the DRC. Even intelligence officers from several neighbouring countries to Rwanda have expressed informally to the Group their full support for the accuracy and rigour of the conclusions contained in the Addendum. As such, the Group intends to continue conducting investigations from its usual objective approach, applying the same laborious methodological standards already endorsed and supported by the Committee.

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[103] http://nanojv.wordpress.com/, managed by Dominique Bourra. The site eventually removed the photos of the members of the Group.
[104] "Congo, the Dark Side," The New Times, Albert Rudasimburwa and Dominique Bourra,
http://www.newtimes.co.rw/news/index.php?i=15100&a=57673
[105] http://www.ohchr.org/Documents/Countries/ZR/DRC_MAPPING_REPORT_FINAL_EN.pdf

## Annex 4

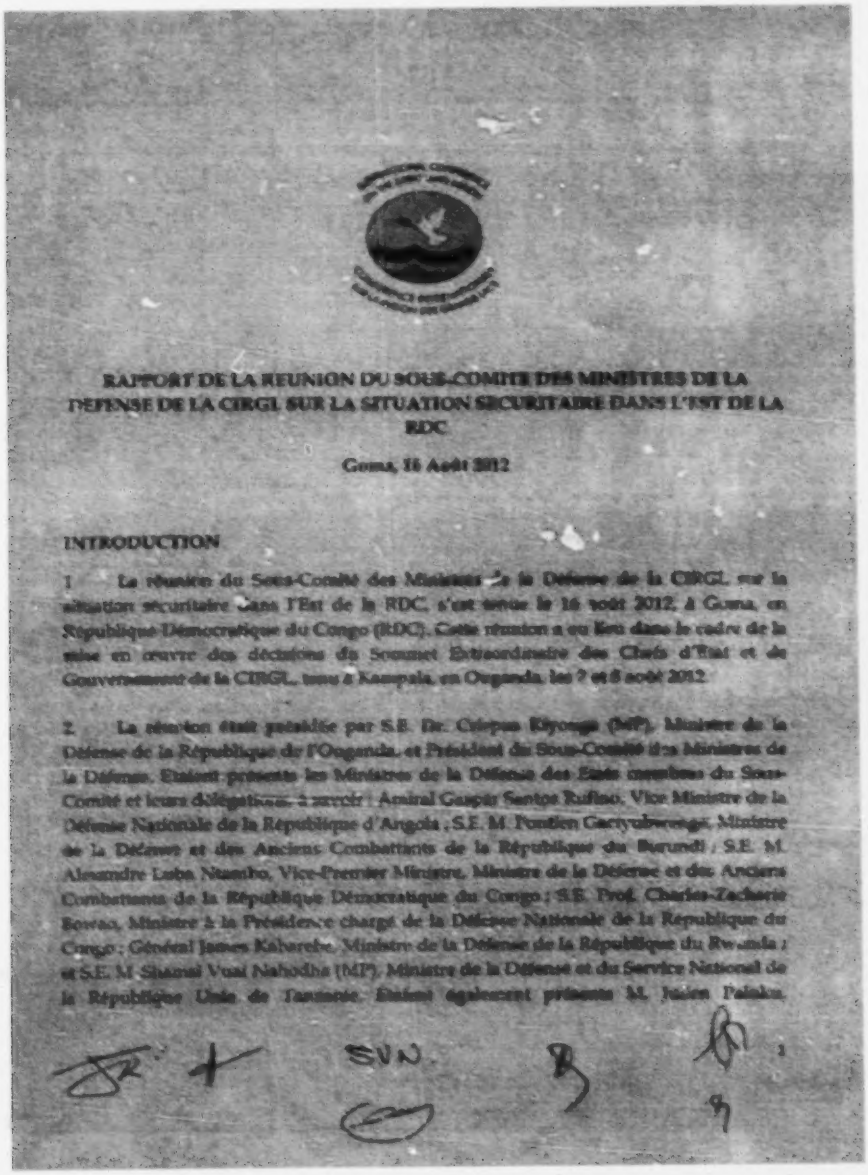
### GoR response to the Addendum to the interim report of the Group of Experts (S/2012/348.Add.1).

*The complete GoR rebuttal can be accessed at:*

http://www.minaffet.gov.rw/fileadmin/templates/minaffet/doc/Rwanda%27s%20Response.pdf

## Annex 5

**Extract of final report of the ICGLR Ministers of Defence meeting in Goma on 16 August 2012, during which President Museveni was tasked to request M23 to return to their initial positions, occupied in June 2012.**



**RAPPORT DE LA REUNION DU SOUS-COMITE DES MINISTRES DE LA DEFENSE DE LA CIRGL SUR LA SITUATION SECURITAIRE DANS L'EST DE LA RDC**

**Goma, 16 Août 2012**

**INTRODUCTION**

1. La réunion du Sous-Comité des Ministres de la Défense de la CIRGL sur la situation sécuritaire dans l'Est de la RDC, s'est tenue le 16 août 2012, à Goma, en République Démocratique du Congo (RDC). Cette réunion a eu lieu dans le cadre de la mise en œuvre des décisions du Sommet Extraordinaire des Chefs d'Etat et de Gouvernement de la CIRGL, tenu à Kampala, en Ouganda, les 7 et 8 août 2012.

2. La réunion était présidée par S.E. Dr. Crispus Kiyonga (MP), Ministre de la Défense de la République de l'Ouganda, et Président du Sous-Comité des Ministres de la Défense. Etaient présents les Ministres de la Défense des Etats membres du Sous-Comité et leurs délégations, à savoir : Amiral Gaspar Santos Rufino, Vice Ministre de la Défense Nationale de la République d'Angola ; S.E. M. Pontien Gaciyubwenge, Ministre de la Défense et des Anciens Combattants de la République du Burundi ; S.E. M. Alexandre Luba Ntambo, Vice-Premier Ministre, Ministre de la Défense et des Anciens Combattants de la République Démocratique du Congo ; S.E. Prof. Charles-Zacharie Bowao, Ministre à la Présidence chargé de la Défense Nationale de la République du Congo ; Général James Kabarebe, Ministre de la Défense de la République du Rwanda ; et S.E. M. Shamsi Vuai Nahodha (MP), Ministre de la Défense et du Service National de la République Unie de Tanzanie. Etaient également présents M. Jalen Paluku,

## RECOMMANDATIONS

7. Le Sous-Comité des Ministres de la Défense a pris note du Rapport des Chefs d'Etat-Major Général et des Chefs de Service de Renseignement et a formulé les recommandations suivantes au Sommet Extraordinaire des Chefs d'Etat et de Gouvernement de la CIRGL, qui devra se tenir à Kampala, en Ouganda, en Septembre 2012.

### I/ IDENTIFICATION DES ACTIONS URGENTES EN VUE DE L'ARRET DEFINITIF DES COMBATS DANS L'EST DE LA RDC

### ACTIONS IMMEDIATES

1. Cessation immédiate des hostilités. Le M23 doit être informé qu'il doit arrêter immédiatement toutes ses activités militaires, y compris le recrutement, l'approvisionnement en armes et munitions. Il est demandé au Président en exercice de la CIRGL de bien vouloir instruire le M23 de retourner à ses positions du 30 juin 2012 ;

2. Identifier et initier des contacts avec les parties prenantes au conflit au Nord Kivu ;

3. Mettre sur pied l'Equipe Militaire d'Evaluation composée de représentants des Etats Membres, pour faire une évaluation sur terrain et vérifier les effectifs réels des FDLR, du M23 et des autres forces négatives opérant dans l'Est de la RDC. Les groupes armés burundais opérant dans l'Est de la RDC devraient être inclus dans la catégorie des forces négatives qui déstabilisent la Région des Grands Lacs ;

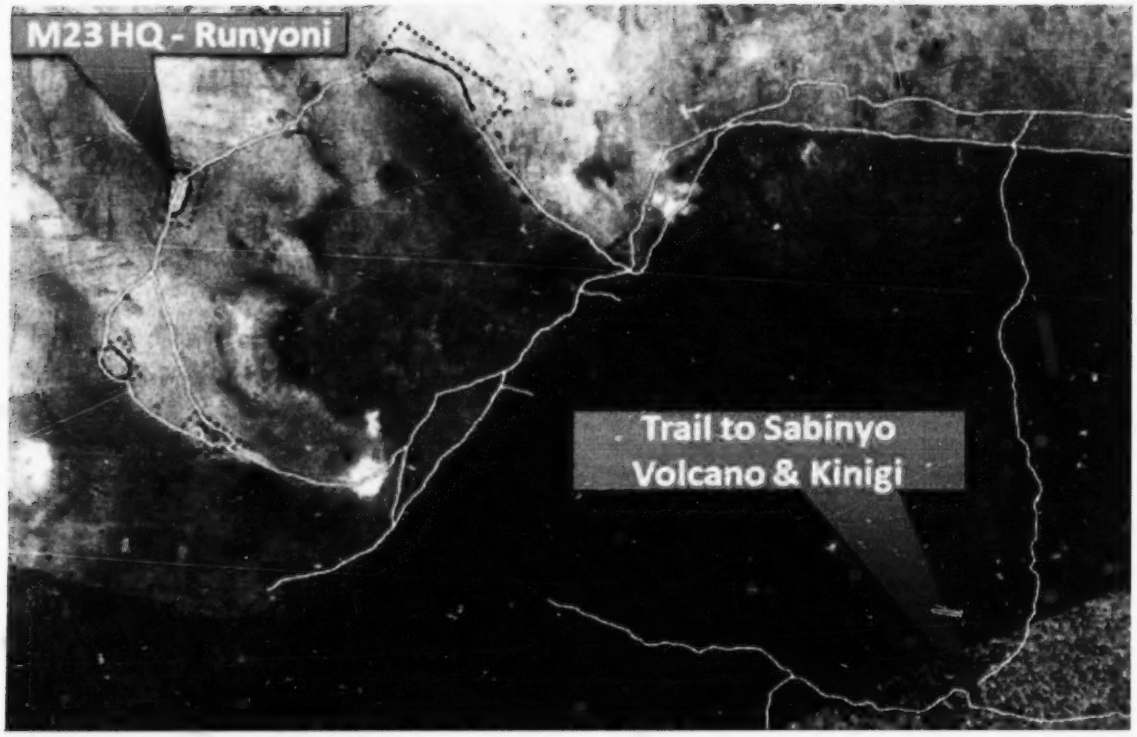
4. Arrêt de toute activité anticonstitutionnelle du M23, dont l'installation de structures politiques et administratives parallèles, la nomination des Chefs de Secteurs Administratifs, le changement des Chefs coutumiers, le remplacement du drapeau national de la RDC et ses emblèmes ;

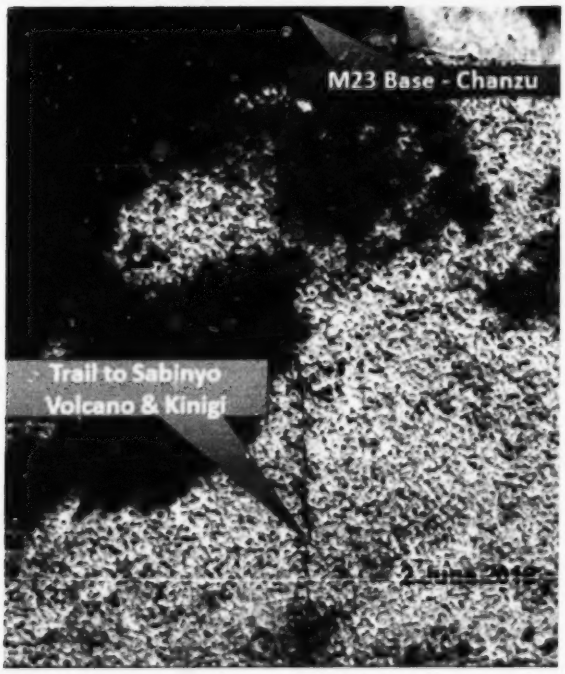
5. Rappeler l'Accord du 23 mars 2009 ;

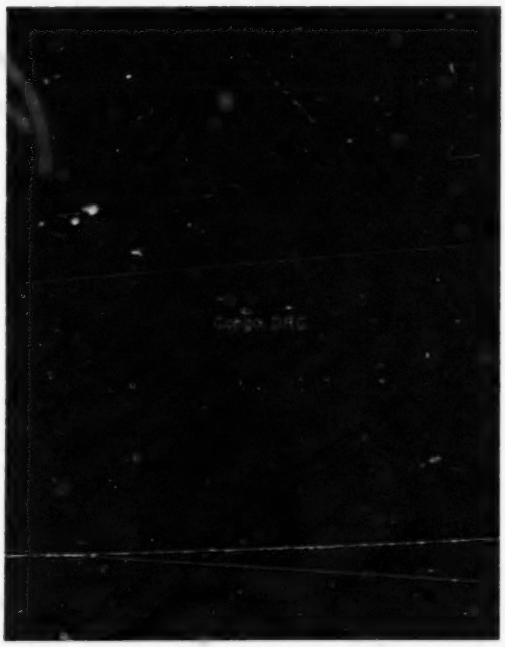
## Annex 6

### Imagery of trails used by the Rwandan Defence Forces through the Virunga National Park from their base at Kinigi to transport supplies, recruits, and reinforce permanent RDF units working alongside M23.

*NOTE: The total distance from Kinigi to Runyoni is roughly 15 kms. There are no economic or migratory activities which would otherwise explain the existence of such trails to Kinigi, which in certain zones can be as wide as four meters. If they are not frequently used, the dense forest would cover these trails in a little over a month. See satellite image from 2006 of the trail to Kinigi.*

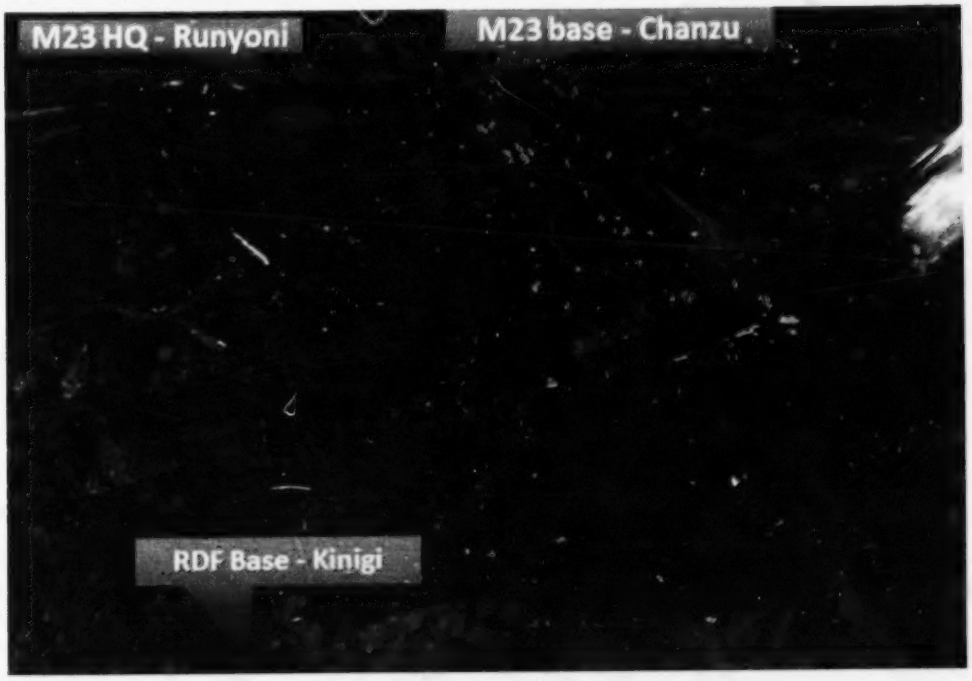

M23 HQ - Runyoni
Trail to Sabinyo
Volcano & Kinigi


M23 Base - Chanzu
Trail to Sabinyo
Volcano & Kinigi



## Annex 7

**Permanent locations of RDF units within the Virunga National Park behind the M23 positions of Runyoni and Chanzu.**



## Annex 8

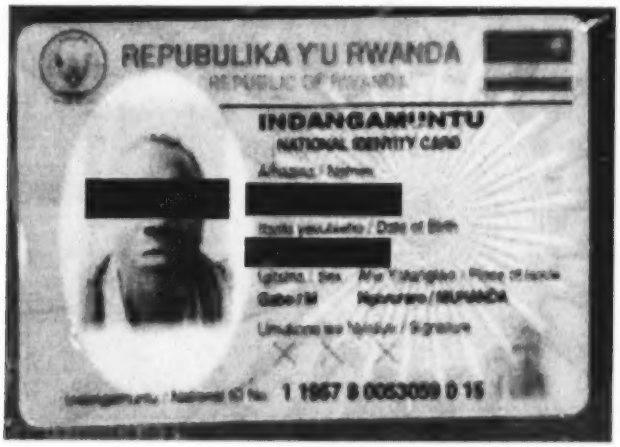
**Deployment of RDF-FARDC special forces units adjacent to M23 territory. These positions are currently controlled by M23.**

## Annex 9

**Document carried by a demobilized RDF soldier arrested at Kibumba while conducting intelligence gathering operations.**

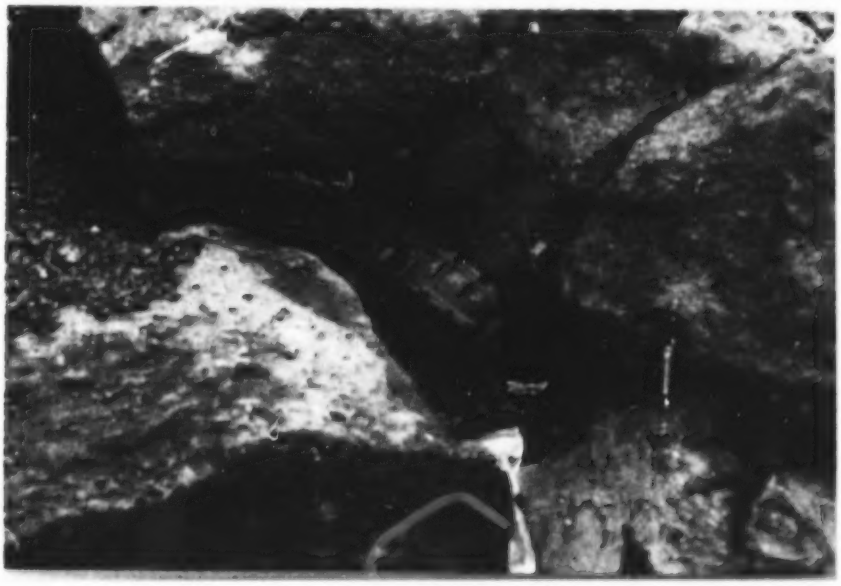
## Annex 10

**Document carried by a Rwandan citizen found together with two M23 soldiers at Tongo while conducting intelligence gathering operations.**



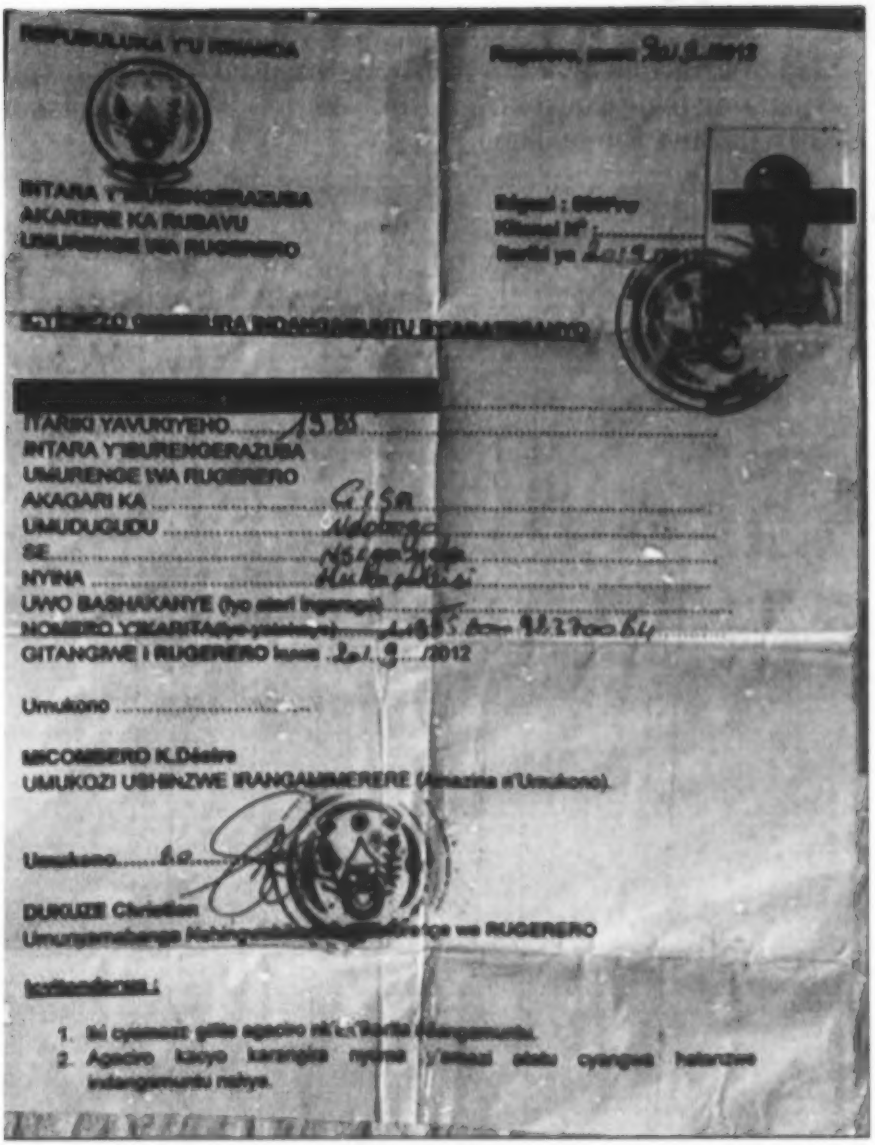
## Annex 11

**Grenades recovered after 8-9 October 2012 attacks in Goma.**



## Annex 12

**Documents found on the demobilised FDLR soldier who had previously been deployed within the RDF special forces in Rutshuru and who was arrested in relation to the grenade attacks on 8 – 9 October 2012 in Goma.**



REPUBULIKA Y'U RWANDA

INTARA Y'IBURENGERAZUBA
AKARERE KA RUBAVU
UMURENGE WA RUGERERO

[redacted]

ITARIKI YAVUKIYEHO ..... 15.83 .....
INTARA Y'IBURENGERAZUBA
UMURENGE WA RUGERERO
AKAGARI KA ..... G.I.S.A. .....
UMUDUGUDU ..... Nabitenga .....
SE ..... Nsengiyumva .....
NYINA ..... Hawa gilbert .....
UWO BASHAKANYE (iyo atari ingenga) .....
NOMERO Y'IKARITA(iyo yatakaye) ..... 1 4 8 5 Itariki 12.7 nov 64
GITANGIWE I RUGERERO kuwa 2 / 9 / 2012

Umukono .....

MICOMBERO K.Désire
UMUKOZI USHINZWE IRANGAMIMERERE (Amazina n'Umukono)

Umukono..... .....

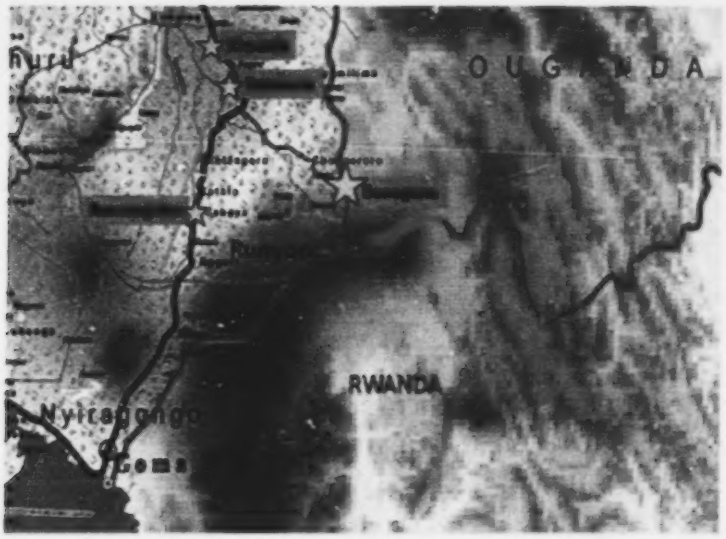
DUKUZE Christian
Umuyobozi w'Akagari ka RUGERERO

Icyitonderwa:

1. Iki cyemezo gifite agaciro mu kwitaba ubuyobozi.
2. Agaciro kacyo karangira nyuma y'imezi atatu cyangwa hatanzwe indangamuntu nshya.

## Annex 13

**Map of principal towns in Rutshuru attacked by M23 in July 2012, expanding their control from Runyoni to Bunagana, Rutshuru, Kiwanja, and Rumangabo.**

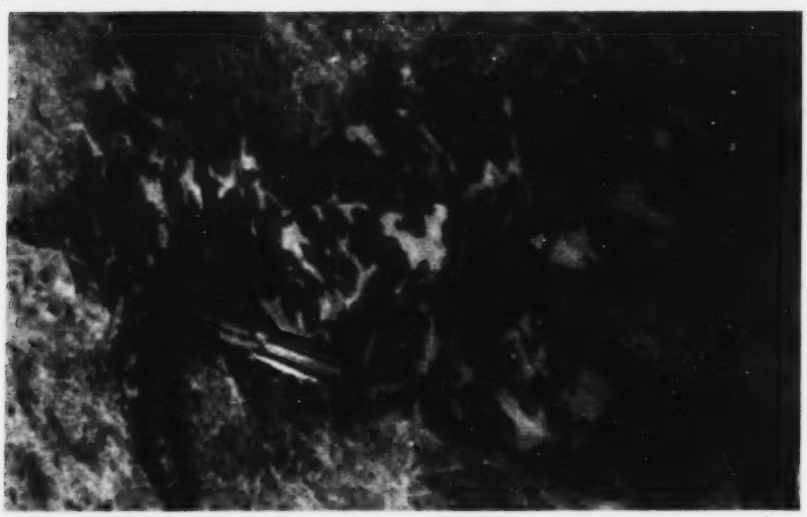


## Annex 14

**Bullet holes in MONUSCO compound after M23 attack.**

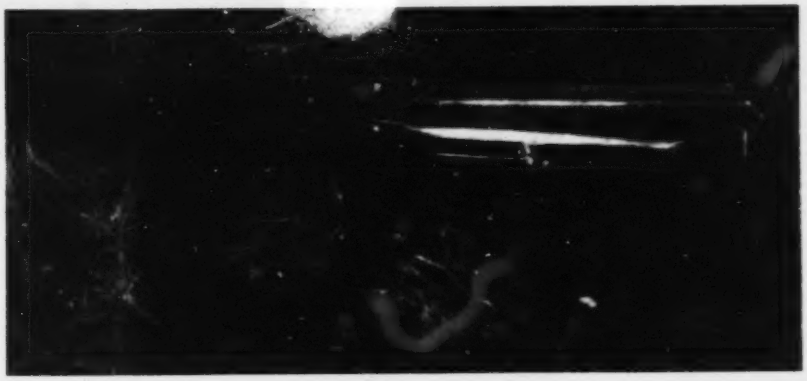
## Annex 15

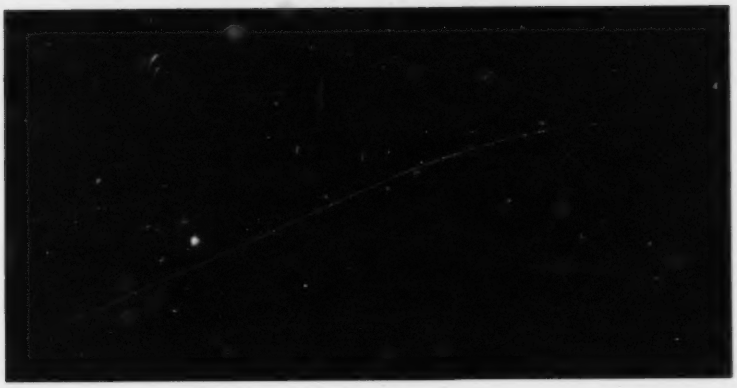
**Two of the RDF uniforms recovered on the battlefield subsequent to M23 attacks, one of which bears the label of the UTEXRWA textile factory in Rwanda.**



## Annex 16

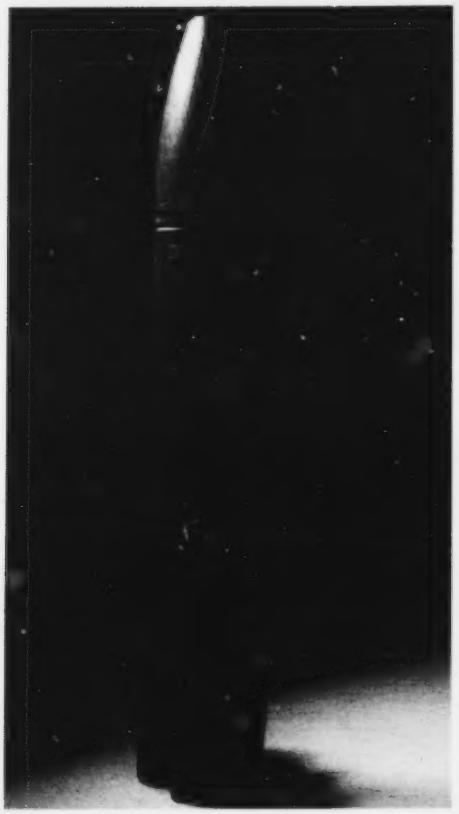
**AK-47 rifle which had never been registered within FARDC stockpiles, recovered in Rutshuru, alongside a deceased RDF soldier, in July 2012.**





## Annex 17

**A 60 mm mortar round, which has not been registered in FARDC stocks, recovered in Rutshuru after combat operations in July 2012.**



## Annex 18

**Rwandan provisional driving license recovered on a deceased RDF soldier following M23 attacks in Rutshuru in July 2012.**

## Annex 19

**General Ntaganda's Hotel Bushokoro in Kinigi which is used for the transit of recruits to M23.**

## Annex 20

# M23 communiqué on the designation of Bishop Jean Marie Lugerero Runiga as the political coordinator of M23.

CNDP

**REPUBLIQUE DEMOCRATIQUE DU CONGO**

**CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE**

**Mouvement du 23 mars, M23**

[redacted]

**Décision N°003/HCM/M23/CNDP/2012 portant nomination d'un Coordonateur de l'Action Politique du Mouvement,**

**RÉUNI EN SESSION EXTRAORDINAIRE LE LUNDI 09 JUILLET 2012, LE HAUT COMMANDEMENT MILITAIRE,**

Vu la Décision N°001/HCM/M23/CNDP/2012 du 06 mai 2012 portant création d'un nouveau courant au sein du Congrès National pour la Défense du Peuple, CNDP en sigle, dénommé MOUVEMENT DU 23 MARS, M23 en sigle ;

Vu la Décision N°002/HCM/M23/CNDP/2012 portant création d'un organe en charge de la Coordination de l'Action Politique du Mouvement ;

Considérant la nécessité d'assurer la visibilité de la cause du Mouvement du 23 mars ;

Attendu qu'il sied de nommer un Coordonateur de l'Action Politique du Mouvement du 23 mars;

Vu la nécessité et l'urgence.

**DECIDE** :

**Article 1** : Est nommé Coordonateur de l'Action Politique du Mouvement du 23 Mars, **Bishop Jean-Marie RUNIGA RUGERERO ;**

**Article 2** : Toutes les dispositions antérieures et contraires à la présente décision sont abrogées.

**Article 3** : La présente décision en vigueur à la date de sa signature.

Fait à Rutshuru, le 09 Juillet 2012

**Le Président du Haut Commandement Militaire**

Le Colonel MAKENGA Sultani

# Annex 21

## Extract of M23 communique regarding the nomination of the M23 Government.

### Communiqué Officiel N°0026/M23/2012

Nous, membres du Congrès du Mouvement du 23 Mars (M23 sigle) réunis en date du 17/Août/2012, en session extraordinaire :

Considérant la décision N°001/M23/COORDO/2012 convoquant le Congrès à la majorité des trois quarts de ses membres:

Vu les résolutions pertinentes du Congrès, ayant statué sur le seul point à l'ordre du jour, relatif à la restructuration du Mouvement, ayant mis sur pieds des Organes devant assurer la gestion quotidienne du Mouvement et ayant nommé un porte-parole pour la publication du présent acte en la personne de Me MAHAMBA KASIWA :

Ordonne à ce dernier de publier la décision dont voici la teneur :

Art. 1. : Président : Bishop Jean-Marie RUNIGA LUGERERO

Art. 2. Chef du haut commandement militaire : Colonel SULTANI MAKENGA

Art. 3. Secrétaire exécutif : Mr François RUCOGOZA TUYIHIMBAZE

Art. 4. Les Chefs de Départements et leurs Adjoints :

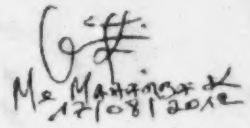
1. Département des affaires politiques et administration du territoire : Mr SENDUGU MUSEVENI.
2. Département des relations extérieures et de la coopération régionale : Me René ABANDI MUNYARUGERERO.
3. Département des affaires sociales et humanitaires : Dr Alexis KASANZU
4. Département des Finances, Budget et Ressources Naturelles : Mr Justin GASHEMA
5. Département de l'Agriculture, Pêche et Élevage. Mr Déogratias : NZABIRINDA NTAMBARA
6. Département de la Justice et des droits humains : Me Antoine MAHAMBA KASIWA
7. Département de la Réconciliation et de l'Unité Nationale : Mr Jean serge KAMBASU NGEVE

CONTACT:
- Tél. Coordination : +243970723967, +243993684692, Porte-parole :+243997710965,
Com. Cell USA: +18176906863, Com Cell. Europe: +33681699360, Com Cell Canada: +15857308139
- E-mail: mouvementdu23mars@gmail.com
- Website: www.m23mars.org

1. Département des Affaires Etrangères et Coopération Régionale
2. Département de la Sécurité Publique
3. Département des Infrastructures et Travaux Publiques
4. Département du Genre, Femme et Famille
5. Département de l'Education
6. Département de la Santé
7. Département du Commerce et Industries

Fait à Bunagana, le 17 Août 2012

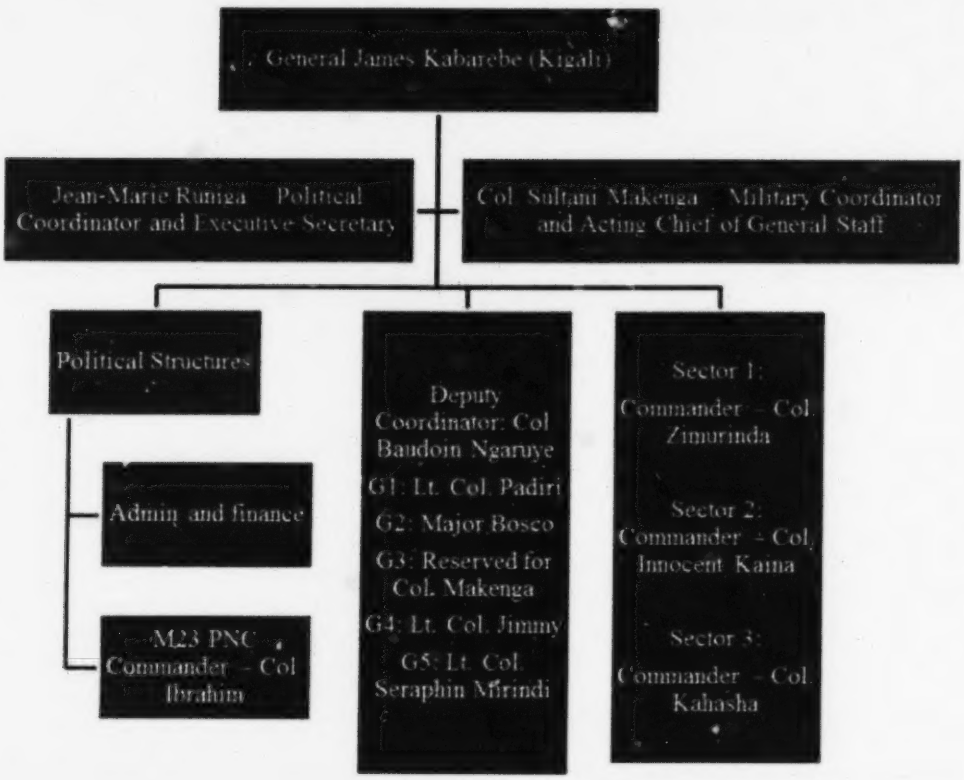
Le Chef de Département de la Justice et des Droits Humains



**Me MAHAMBA KASIWA**

## Annex 22

**M23 Chain of command in Kigali shared with the Group by a Western diplomat.**


General James Kabarebe (Kigali)
Jean-Marie Runiga – Political Coordinator and Executive Secretary
Col. Sultani Makenga – Military Coordinator and Acting Chief of General Staff
Political Structures
Admin and finance
M23 PNC – Commander – Col Ibrahim
Deputy Coordinator: Col Baudoin Ngaruye
G1: Lt. Col. Padiri
G2: Major Bosco
G3: Reserved for Col. Makenga
G4: Lt. Col. Jimmy
G5: Lt. Col. Seraphin Mirindi
Sector 1: Commander – Col. Zimurinda
Sector 2: Commander – Col. Innocent Kaina
Sector 3: Commander – Col. Kahasha

## Annex 23

**Satellite imagery of Ntaganda's suspected position near Runyoni within the Virunga National Park.**

# Annex 24

## Extract from an official communication (dated 9 October 2012) to the Committee, by Akin Gump Strauss Hauer & Feld LLP, lawyers hired by the GoR, which also cited support for M23 from Ugandan territory according to Rwandan authorities.

The second addendum provides further details on one aspect of the supply of arms to armed groups in the DRC (those involving alleged collusion with the Rwandans) while the important questions of who else might be providing support for armed groups and where this support might be coming from are ignored. Only in paragraph 32 – the last paragraph – is it mentioned that the GoE "has also begun investigating" some of the allegations put forward by the Rwandan Government regarding support from the FARDC to the FDLR or the evidence provided by the Rwandans concerning support to M23 from Ugandan territory.

## Annex 25

**Kitagoma border post between the DRC and Uganda, where no Ugandan officials were present during the Group's visit in August 2012 despite M23 occupation of the DRC side.**

## Annex 26

### Extract of external analysis and translation of M23 radio intercepts referring to Ugandan involvement. The Swahili used is associated with that of the Ugandan military.

a) Fragments from radio intercepts in Swahili accent commonly used in the Ugandan Army with Kiganda words (underlined)

« Wanaitoapalepalewakazidikuendelea..(laughs)..mukamabayambe.....badowanaendelea»

« Ils fuient . . .(il rit) . . .que Dieu les benisse (il se moque d'eux) . . .ils fuient encore. »

« They are fleeing ....(laughs)...may God help them (mokery)...they are still fleeing »

« NjendiSeebo, Subiri, ok. Nilikuwa na sema na juaalakinisijajuailikuwasikuganitenaniliondoka, telephonenikaacha pale, tenanilikuwanatakakujaku pale mimi nikakatazwa, sasantakujamalaingine. Mimi nilikuwanaliyakujaku pale nikakatazwamalaingine,sasanasematutaonanabaadaye »

« Bien merci Chef, attends, je disais que je voulais savoir quel jour je suis parti, j'ai oublié mon téléphone. Je voulais venir à la maison, mais on ne pas pas donné la permission, je viendrai un autre jour. J'ai encore demandé la permission de venir à la maison, mais on l'a refusée encore une fois. On se verra après »

« Well my friend, wait, I said that I wanted to know what day I left. I forgot my phone. I wanted to go home, but I was not given permission. I will come another day. I asked again for permission to go home, but they refused again. We'll see later. »

NOTE: *According to former RDF officers, the conversation refers to the enemy, who is fleeing during combat. During the rest of the dialogue, still in Swahili with a Ugandan accent, the interlocutors discuss "contacting the other side" and "joining forces with the other side." They then confirm that they "joined their forces," and from that moment, the conversation is a mix of Swahili commonly spoken in Uganda and Kinyarwanda.*

b) Fragment from radio intercepts in Kinyarwanda between M23 combatants making reference to the support of two countries.

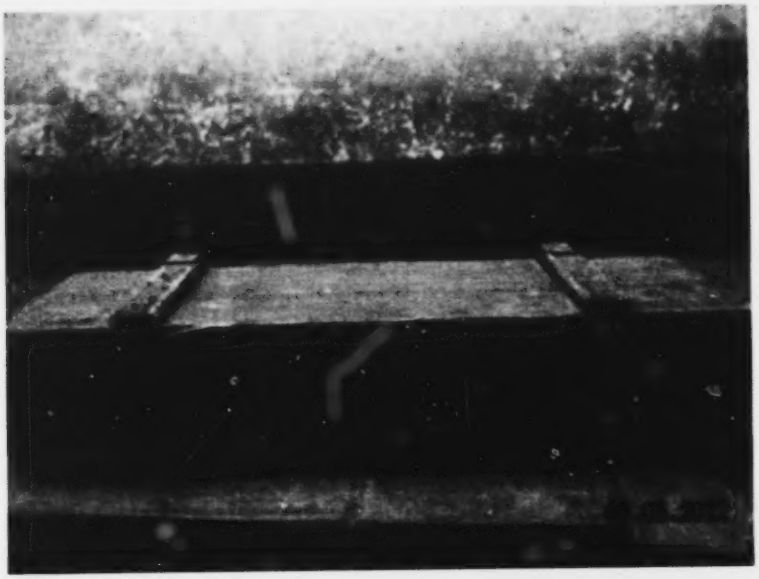
« Mbwiranabauritayarimwa..., ibihugubibirintibirikudufasha ? »

« Est-ce que tu es prêt mon frère ? Deux pays ne nous aident ils pas ? »

« Are you ready my brother? Isn't that two countries are helping us?"

## Annex 27

**Government of Uganda Ministry of Defence weapons box found amongst Colonel Makenga's arms and ammunition in his home in Bukavu in May 2012 and FARDC intelligence report on Makenga's purchases of weapons from Uganda in 2011.**



REPUBLIQUE DEMOCRATIQUE DU CONGO — BUKAVU, le
FORCES ARMEES
FORCE TERRESTRE
DIXIEME REGION MILITAIRE — No / /EM 10Rgn MI/12/19
ETAT-MAJOR

Au Chef EM Rens Mil

OBJET : BI

1. Depuis ce 08 Jul 11 de source Sûre nous signale la présence de Mr KWAYO FRANCISCO [illegible] ORGANDAIS, basés maîtresse en préparation d'un PUTCH

A l'époque du RCD, ce dernier était Comd ici à BUKAVU connu sous le nom de code de /ERO ONE, il serait logé dans la résidence de Col MAKENGA Constant [illegible] AMANI LEO SUD KIVU.
D'après la source, ce dernier aurait fait entrer ce 06 Jul 11 à NTAMUGENGA-NGWE Kivu) Frt OUGANDA- RDC 440 argues AKA 47 et autres lourdes destinés au Rasemble Elm ex CNDP déployés dans la province du SUD KIVU ;
La même source renchérie que Mr KWAYA FRANCISCO serait de mèche avec [illegible] RUSCO NTAGANDA présentement au NORD KIVU ;
Leur objectif serait de pouvoir continuer la mission dont le CNDP n'a pas achevé

2. [illegible] 08 Jul 11, lorsque Mr KWAYO FRANCISCO est arrivé à BUKAVU [illegible] avec une dissidence au sein de Comd / RF dont 05 Offr Sup seraient déjà [illegible]

Il s'agit de :

- SERAGARO KIRAIBIRI ;
- GASORE KANYA ;
- HABERIMANA THARCISSE ;
- IRAMO CALIXTE ;
- GAKIRE TECOMBLE.

Tous en provenance d'UVIRA EM 4/Ops selon la source une 'SI qui serait [illegible] conjointement avec le Chef S'2 1Regt NORD KIVU Maj ZAJKO proche du Col PA[illegible] lequel espère très prochainement occuper le poste de Comd 1Rgn Mi au SUD [illegible] avec l'appui du Gén Bde MOUSTAFA actuel Comd RAKI au BAS CONGO. La source [illegible] que ce 10 Jul 11, le Col PADIRI aurait été informé au téléphone par Mr KWAYO FRANCISCO d'un retrait de ces 05 Offr du FRF et aussi à Gén MOUSTAFA [illegible] séjour à CHANGUGU au RWANDA de Mr PATRICE du CIRGO [illegible] Patrick Dorsso sujet AMERICAIN qui aurait rencontré le colonel [illegible]

CNDP et leur a demandé d'Etudier les voix et moyens pouvant leur permettre d'atteindre l'objectif du vision 20/20 relatif à l'Etat autonome sous la gestion de la communauté internationale en l'occurrence, le SUD et NORD KIVU. La vision 20/20 qui signifie que, avant l'an 2020 le RWANDA devra se forcer pour infiltrer ¼ de ses Mil dans FARDC ;
La même source poursuit en disant que certaines autorités de la province serait au courant de ce processus, c'est le cas de MINISTRE PROVINCIAL de Justice SUD KIVU Mr SADOCK BIGANZE lequel aurait pris contact pendant 1 Heure à la résidence du Col MAKENGA a NGUBA

OBSERVATION :

- Il y a un constat amer partant de ces mêmes Offr de l'ex CNDP et FRF. En occurrence ; Col MAKENGA Comd2nd Ops Rens et Col MICHEL MAKANIKA RUKUNDA Comd 2ème Adm AMANI LEO lesquels ont déclaré devant la commission de Ctl d'armement et Mun dans toutes les unités de la 10Rgn Mil, en disant que le Gouvernement ne nous a pas doté, d'où votre commission n'a aucun droit de nous obliger le Ctl de soit disant armement et Mun ;
  Le même comportement d'indifférence s'accentue dans les centres des Regt où les Offr de l'ex CNDP et FRF se méfis des ordres du Comdt 10Rgn Mil, Ops AMANI LEO SUD KIVU et même de la haute hiérarchie Mil. C.à.d, Comd FT et Chef EMG FARDC relatif à la mise des armes et Mun dans les dépôt, ces derniers, se promènent avec des armes jours et nuits au mépris de autres Offr Sup qui sont dans des CPeqt

3

NAWEJ MUTEB Franklin
Col
Chef T2 10Rgn Mil

## Annex 28

**Black 7.62 mm cartridges recovered by the FARDC after M23 attacks in July 2012, which are regularly used by the UPDF and not registered in FARDC stocks.**

## Annex 29

**M23's 21-point agenda for negotiations as communicated by senior Government of Uganda officials to a DRC Ministerial delegation. The demands were drafted following advice from Rwandan and Ugandan authorities.**

| | |
|---|---|
| 01 | The return of refugees in their families did not take place. (Question of return of refugees) |
| 02 | Displaced people are still in IDP camps |
| 03 | The integration of the soldiers of the ex- CNDP in the army did not take place (Or was imperfect ) |
| 04 | All the armed groups did not become political parties. |
| 05 | Amnesty did not take place |
| 06 | The recognition of ranks did not take place. |
| 07 | The resolution of the crisis had a political aspect notably the integration in institutions (government, embassies, public companies…) that did not take place |
| 08 | It had been agreed that part of CNDP soldiers will be transform into local police force to protect returned refugees. … This was not done |
| 09 | After the agreement the CNDP left the places it controlled to the government BUT the government did not realize its end of the bargain |
| 10 | 60 ex CNDP soldiers were arrested and killed in Dungu. Only one survived. Another group that was sent to Kindu was sequestered then molested, without registering the dead. The government never punished the ones responsible. Therefore the persistence of acts of impunity.. |
| 11 | The agreement provided for the setting up of a follow-up committee that was never put in place. Referring to PresidentsMkapa and Obasanjo |
| | |
| 12 | The reconciliation program was not completed |
| 13 | The government of the DRC should concentrate itself in the tracking down of negatives forces This has neither been effected nor partially realized. |
| 14 | The government of the RDC resists the operations against the negative forces. |
| 15 | Soldier's wages were systematically diverted and in certain places not paid at all. |
| 16 | Diversion of soldiers rations. |
| 17 | Bad social condition of soldiers (no military infrastructure) |
| 18 | Discrimination of the East in the customs payment. |
| 19 | The truth of the November 2011 election: Kabila cheated |
| 20 | In 2006, Kabila had promised much in the East. He has forgotten to respect its commitments. |
| 21 | No big store, no super market in the East of the RDC |

## Annex 30

**One of the two M23 houses, located in Munyonyo neighborhood, Kampala.**

# Annex 31

## Extract of a Ugandan counter-intelligence report on support from UPDF Brigadier General Charles Kankiriho for M23.

**Confidential**

1. Brig. Gen. Patrick Kankiriho, the UPDF 2nd Div commander is in charge of troops in western Uganda based in Mbarara and so responsible for OPS, Actions, Movements and deployments of all types of troops in western region or moving in through there. On orders [redacted] Brig. Kankiriho currently keeps close contacts and in touch with his counterpart in Rwanda, Maj. Gen. Alexis Kagame, the RDF 2nd Div Commander based at Byumba. Both these two top senior commanders are partly in charge of M23 ops/ frm CNDP.
   1. He orders for coverage and the mov'ts of UPDF special troops to borders Locs for M23 ops especially at night; these are usually troops selected from within his 2nd division or from other UPDF units sent to him for special utilisation, attachment and deployment. Brig. Kankiriho's deputy i/c ops/ training for 2nd division Col. Peter Elweru has been sent to GOMA, E. DRC as one of the observers for AU neutral force to be led by TPDF/ Tanzania among others.
   2. Based at UPDF Commander's tactical base / loc at Karungibati, IIIMA, KASESE, he ordered and oversaw the covered the mov'ts of fighters (M23)/ leaders covered in UPDF few days before M23 attacks on FARDC. These selected M23 fighters were abt 300 and had been in Bihanga Army Training school and then later to Oliver Tambo/ Kaweweta Army school for final war lessons.
   3. He orders for coverage of the M23 fighters on Uganda – DRC borderlines especially if repulsed by DRC troops.
   4. He orders for total special coverage for RDF troops moving to E. DRC / Virunga National Park / Ituri –Orientale sector entering through Ugandan territory secretly; and this is a restriction to most of other Uganda security forces on ground. He also orders for covers of those selected M23 leaders and fighters going to Kampala, Entebbe for secret meetings with UG bosses like President Yoweri Museveni, Gen. Aronda Nyakairima; Kankiriho is assisted by Lt. Gen. Kale Kayihura, CMI boss, Brig. Gen. Charles Bakahumura and his deputy Col. Mike Kisame and CMI

**Confidential**

officers Lt. Col. Romeo Ndyabagye Maj. Paul Muwonge, ADCs; Maj. Ezra Kukundwakwe, Capt. Stanley Arranya, Capt. Katamba James, JATT Operative Katamba God Semakula AND several others both senior, junior and civil, military.

5. He also overseas Bihanga UPDF training school sometimes which trains foreigners or special infantry fighters like M23, fmr CNDP. Gen. Aronda deployed UPDF's Maj. Humble to specially coordinate this course / training.

6. Brig. Kankiriho, before early days of M23 attacks, on orders [redacted] through these officers mentioned above including his military aide Lt. Kugumisiriza and others unknown delivered the following to M23: 3000 army boots, 3000 pairs of cloth/ uniforms; support guns: 20=GPMGs, 40=G-2s, 60=RPGs / ATRLs, 06=82mm recoilless, 06=four barreled 14.5mm AACs, 30=PKs, 06=12.7mm, 03=37mm AAC, 40=MMGs, 12=sniper rifles and each of these had enough of its own / specific ammunition and bombs/ shells well doubled for special mission/ ops of M23. All weapons looked old but well serviced and had not been used by UPDF before.

-These weapons were got from Southern Sudan / SPLA and many others are usually got via there on secret arrangements and close understanding between Presidents Yoweri Museveni, Salva Kiir and Paul Kagame coordinated by Gen. Aronda, Gen. Kayihura and RDF's Gen. Jack Nziza since UPDF arms and equipment on covert missions may easily be followed up and known in foreign land like how Rwanda's RDF were traced and known. That other more are still inside Uganda and Rwanda for stakeholders/ planners/ executors to first study situations in fact with plans of transporting those inside Rwanda both special personnel and equipment to move covertly via Uganda to E. DRC.

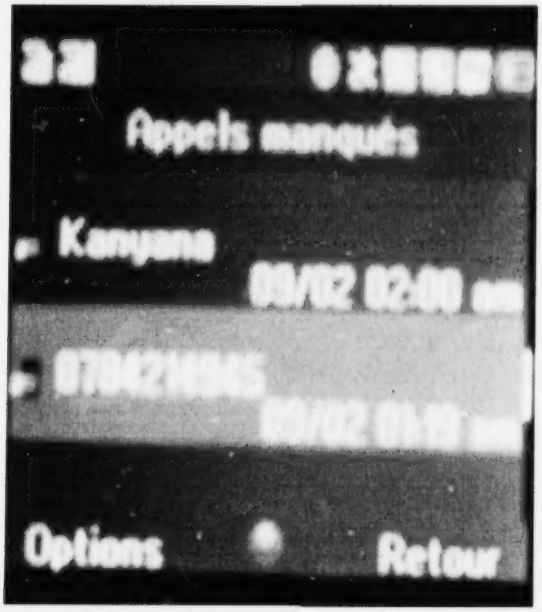
[redacted] in contact with UG's ISO Directors; Col. Ronnie, Maj. Banana, Capt. Vincent Gahima about how to do some fresh deliveries and discuss plans of splitting of M23 in order to put away the illiterate top commander Sultan Makenga and ICC wanted commander Bosco Ntaganda so that M23 progresses with positive image.

## Annex 32

**Mobile money transfer of $100 from Kanyana Immaculée to an MCC recruiter.**

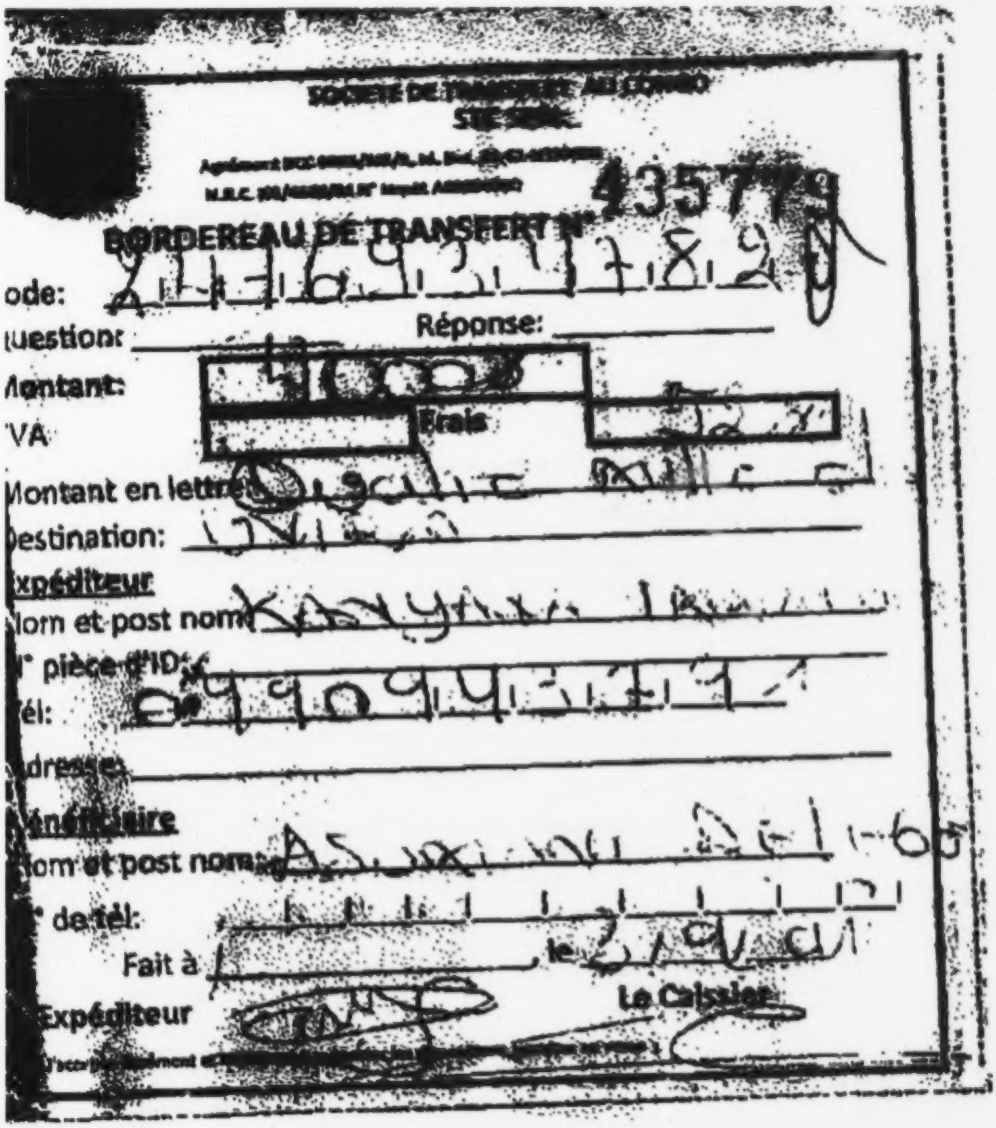
## Annex 33

**Phone calls from Kanyana Immaculée and "Colonel" Bede Rusagara to a Rwandan MCC recruiter.**



**Annex 34**

**Receipt of a money transfer of $ 4,000 from Kanyana Immaculée to a representative of MCC, Asumani Délégé, an M23 ally in Uvira territory.**



# Annex 35

## ALEC Statute calling for the creation of an "independent republic of the Kivu."

**CHAPITRE I : DE LA CRÉATION ET DU SIÈGE**

**ARTICLE 1**
Il est créé une Alliance socio-politique dénommé "ALLIANCE POUR LA LIBERATION DE L'EST DU CONGO", ALEC en sigle.

**ARTICLE 2**
L'Alliance pour la Libération de l'Est du Congo, ALEC, en sigle, a provisoirement son siège dans la ville d'Ottawa (suite à l'insécurité au pays). Toutefois, le siège peut être transféré dans une autre ville sur décision du Président après concertation avec les membres du Bureau politique et Conseil des sages du mouvement.

**CHAPITRE II DE FONDEMENT IDÉOLOGIQUE**

**ARTICLE 3**
L'ALEC est un mouvement socio-politique qui vise à :

-Lutter pour la souveraineté politique, économique et diplomatique de l'Est du Congo comme un Etat libre, autonome et démocratique sur base de référendum et dans le respect de droit international d'auto-détermination et des libertés des peuples.

-Préserver toutes les libertés inhérentes à la personne humaine, conformément à la Déclaration Universelle des Droits de l'homme et à la Charte Africaine des Droits de l'Homme et des Peuples;

-Consolider l'unité, l'indépendance et la souveraineté de l'Est du Congo;

- Bâtir une société de l'Est du Congo nouvelle basée sur une véritable démocratie dans une République Unie du Kivu libre, laïque et solidaire;

- Rechercher une voie réelle de développement politique, économique, culturel et social, conforme aux intérêts du peuple de l'Est du Congo;

**ARTICLE 4**
En vue de parvenir à cette fin, l'ALEC appuie la lutte de libération populaire et sans violence sauf en cas d'auto-défense ou si et seulement si les conditions obligent le recours à la force pour accéder à l'auto-détermination. Son action s'appuie sur le soutien de tout le peuple de l'Est du Congo.

**ARTICLE 5**
L'idéologie de l'ALEC réside dans la promotion de l'Independence de l'Est du Congo à travers une doctrine basée sur l'incorruptibilité morale, la responsabilité, la fraternité et la solidarité de tous les Kivutiens, et plus particulièrement les membres de l'ALEC.

# Annex 36

## E-mail records demonstrating Akim Muhoza's coordination of ALEC.

----- Mail transféré -----
De : AK Mhz <mhz1_a@yahoo.ca>
À : Seba Kiyana <sebakiyana@yahoo.fr>; eugene shykiro <shykiro2002@yahoo.fr>
Envoyé le : Mardi 10 juillet 2012 23h45
Objet : Re: L'Urgence s'impose.

Benedata

Navugenye nawa mugabo w'iKigali, details ndazibaha kuri tel. Ariko nkuri nagira ngo mbasabe ikintu kimwe: Chers freres, twatangiye urugendo rurerure, kandi rutoroshe, rerimo nabandi bantu tuvugana, twunvibyo batubwira, kandi naba bashobora kugira izindi nyungu zabo. Nukuri ndabasaba ngo mumfashe ntitukihutire kumva nkuru ngo tuyemere uko tuyumvishe kuko bishobora kuzaduteranyiriza ubusa. Nibyiza ko tubazanya, kandi tukizerana.
Ndabamenyesha ko iriya nama utaho yarihuriye nagato, nibyo turimo. Usibye guhuza abanyamulenge kuganira ibibibazo twese tubona byomuri Nord. Ibyo ntibyatangiye none, kandi ntibyakozwe rimwe. Inama nkaziriya zakozwe kenshi nanjye nkuri ku Gisenyi harizo nabayemo.Yarigamije ngo guhuza abantu ngo batekerereze hamwe niba babuza abasoda bacyu kugenda gupfira muri Nord bazira ubusa. Izo ni initiatives abagabo batandukanye bakomeje gukora kugiti cyabo. Murumva ko tudafite autorite numwe yokubuza abantu kugira ibyo bumva bakora nka initiatives yabo kubwoko. Ariko utabwo babibujije nagato nibyo turimo. Uko niko kuri.

A bientot
Akim

**Translation**

My dear brothers,

I spoke with the man in Kigali, I will give you the details on the phone. But I would like to ask you something: Dear brothers, we have started a long journey and it is not easy. In this journey, there are other people with whom we are talking, we listen to what they say and they are children who could have their own interests.

In reality, I ask you to help me. We shouldn't hasten to listen to information and accept them as such, because it could create problems for us. It would be better to start talking to each other and trust each other.

I inform you that this meeting has no relation with what we are currently doing, apart from assembling the Banyamulenge to talk about the problems of the North. It is not the first time this happens and it won't be solved in one day.

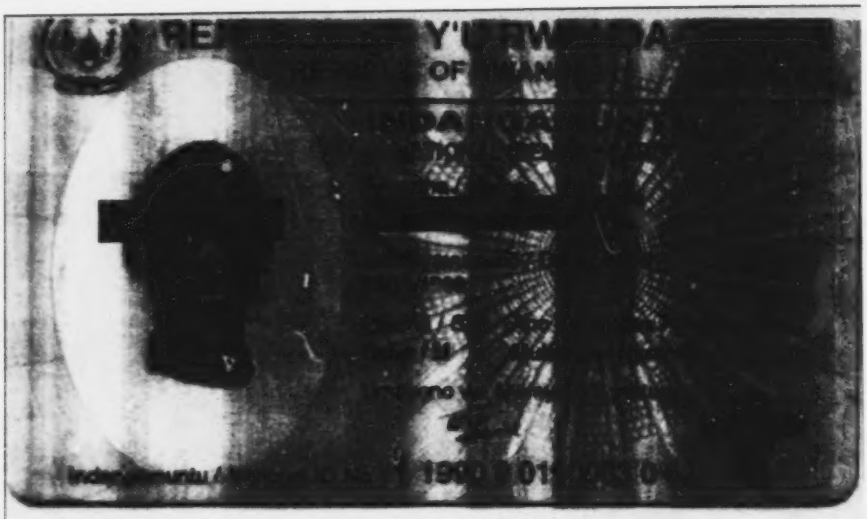
Meetings like this took place several times in Gisenyi, there are even some meetings I attended myself. The objective of these meetings was for people to meet to think together and see how they can stop our military who continue to die in the North for nothing.

These are initiatives that these men started taking individually. You understand though that we have no authority to forbid people to do what they want on the community and there is no agreement yet. But it doesn't stop us to do what we are doing. That's the truth

Goodbye, Akim

## Annex 37

### Rwandan ID card found on a deceased ALEC combatant



# Annex 38

## E-mail from Akim Muhoza to Willy Sebatware regarding his flight from Dayton, Ohio to Bujumbura, Burundi.

---- Mail transféré ----
**De :** AK Mhz <mhz1_a@yahoo.ca>
**À :** sebatware kiyana <sebaklyana@yahoo.fr>; Eugene Shikiro <shylkiro2002@yahoo.fr>
**Envoyé le :** Samedi 11 août 2012 21h15
**Objet :** Fw: Expedia travel confirmation - Bujumbura - 14 Aug 2012 - (Itin# 149510698674)

Chef d'Etat Major Seba
Finally, your ticket is ready and your mission is certain.
please find attached your itinerary. You can print that as your
electronic ticket. I booked you to go through Nairobi so that you can
have a one hour conversation with our Nairobi contact.
Get ready no more stress for the ticket. At least for now.

Be blessed
President
Akim

----- Forwarded Message -----
**From:** Expedia.ca <caenmail@expediamail.com>
**To:** mhz1_a@yahoo.ca
**Sent:** Saturday, August 11, 2012 2:50:34 PM
**Subject:** Expedia travel confirmation - Bujumbura - 14 Aug 2012 - (Itin# 149510698674)

Travel Confirmation

Thank you for booking your trip with Expedia.ca

If you have not received information about travel insurance, or have questions about your coverage, contact us at 1-888-EXPEDIA (1-888-397-3342) or from outside North America at +1-613-780-1386. Please note that insurance coverage must be purchased within 5 days of your travel purchase.

Remember that you can always view your itinerary online for the most up-to-date information.

**Flight:** Dayton to Bujumbura

| | |
|---|---|
| Total ticket cost: | C$822.00 |
| Taxes & Fees: | C$282.17 |
| **Airfare total:** | **C$1,104.17** |

# Annex 39

## Public profile and business card of ALEC Secretary General Jules Sebahizi.

Jules SEBAHIZI MAKUZA

**Expert in gende, institutional capacity development and M&E Specialist working as Consultant**

Rwanda Management Consulting

**Join LinkedIn and access Jules SEBAHIZI MAKUZA's full profile.**

As a LinkedIn member, you'll join 175 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and Jules **SEBAHIZI MAKUZA** know in common — View Full Profile
- Get introduced to **Jules SEBAHIZI MAKUZA**
- Contact **Jules SEBAHIZI MAKUZA** directly

Jules SEBAHIZI MAKUZA's Overview

| | |
|---|---|
| Current | **Owner at SMJ Consulting Firm**<br>**Consultant at HR, Gender, Monitoring and Evaluation,** |
| Past | Director of Planning and HRD at Ministry of Public Service and Labour |
| Education | National University of Rwanda |
| Connections | **100** connections |

Jules SEBAHIZI MAKUZA's Experience

**Owner**
**SMJ Consulting Firm**
July 2007 – Present (5 years 2 months)

**Consultant**
**HR, Gender, Monitoring and Evaluation,**
2007 – Present (5 years)

**Director of Planning and HRD**
**Ministry of Public Service and Labour**
February 2001 – July 2007 (6 years 6 months)

Jules SEBAHIZI MAKUZA's Education

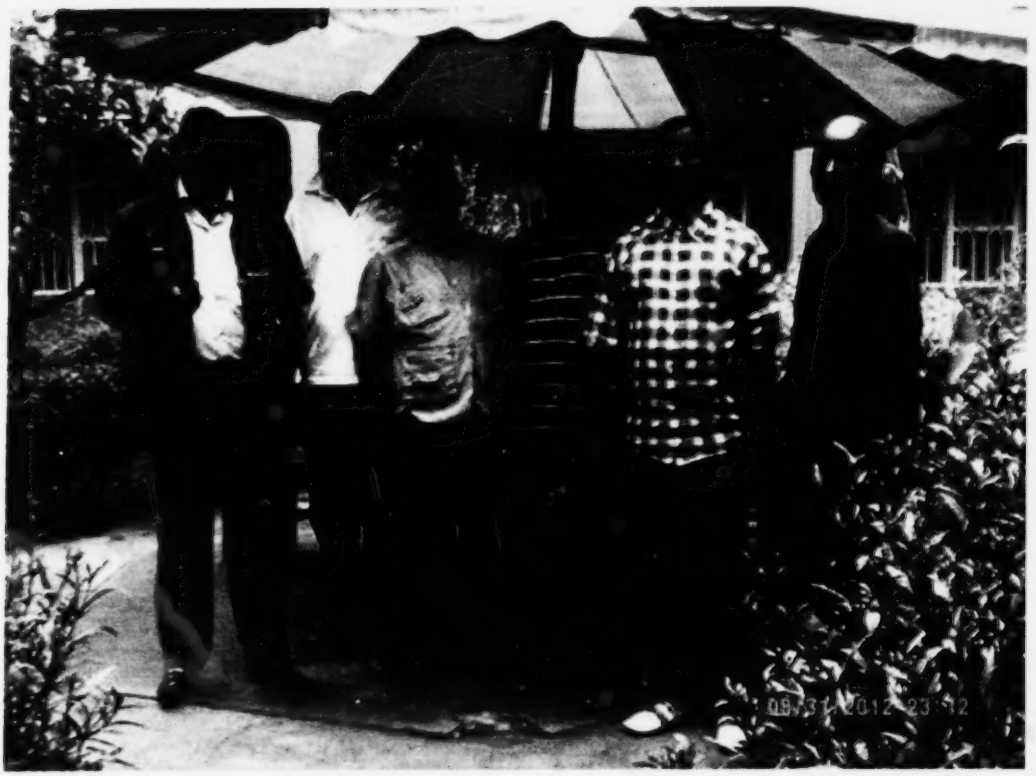
**National University of Rwanda**
BA, Social Sciences focuses in Public Administration
1996 – 1999

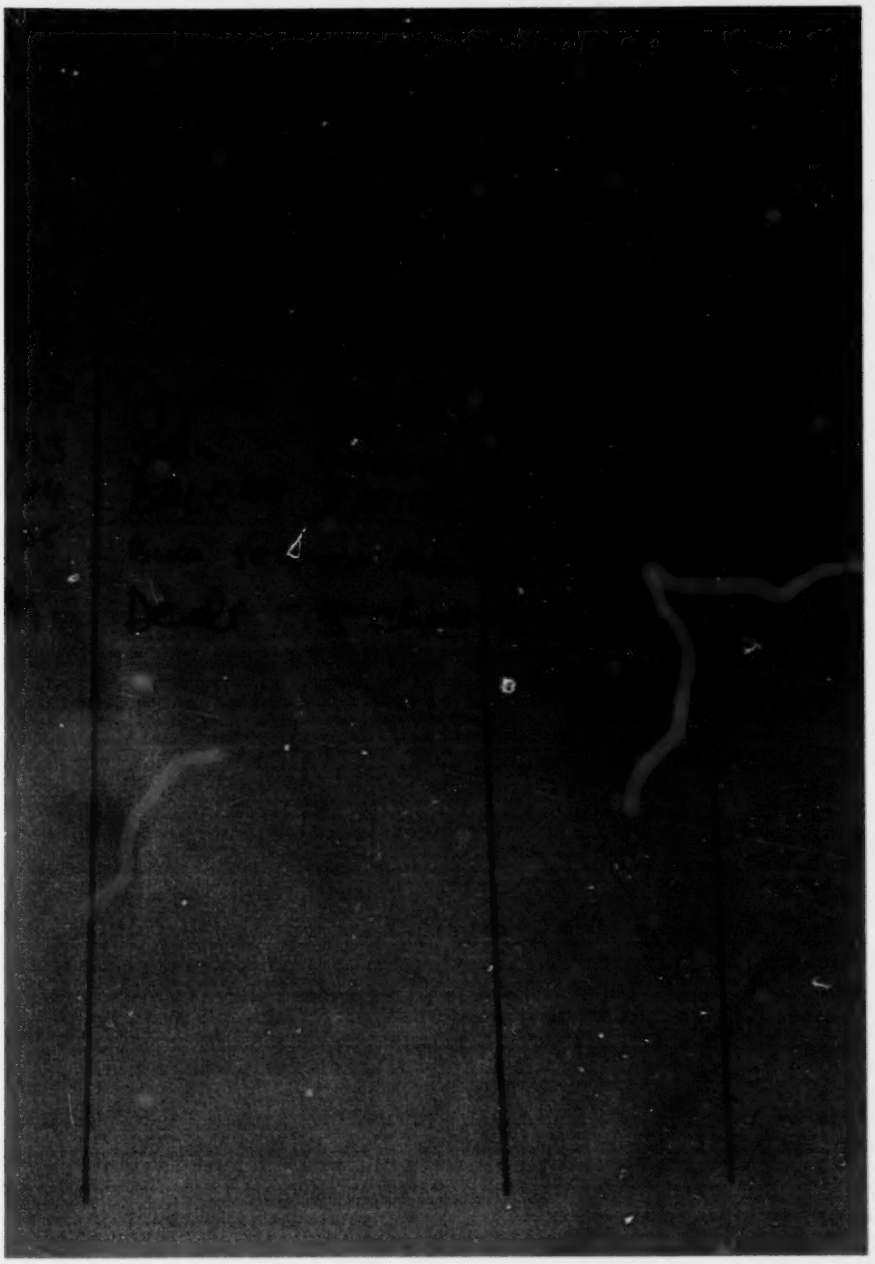
## Annex 40

**Photo of ALEC meeting with Congolese armed groups on 17 August 2012 in Lusambo, South Kivu. Jules Sebahizi (second from left), "General" Mayele (third from left), Akim Muhoza (first from right).**

## Annex 41

**Attendance sheet and photo of ALEC meeting in Kigali on 30 August 2012 along with ALEC e-mail regarding weapons purchases.**





----- Mail transféré -----
**De : BIKA SELEMANI <bikasfr4@yahoo.fr>**
**À : "sebeklyana@yahoo.fr" <sebeklyana@yahoo.fr>**
**Envoyé le : Mardi 21 août 2012 11h58**
**Objet : Tr : Les choses à payer**

trouver ces choses.

**BIKA SELEMANI Fabien**
**Ingénieur Informaticien**
**Administrateur au Bureau d'Assistance-Conseil en Informatique et Gestion**
*Tél: (+243) 990297735*
*Mail: bikasfr4@gmail.com*
*Skype: fabien.bika*

----- Mail transféré -----
**De : BIKA SELEMANI <bikasfr4@yahoo.fr>**
**À : "Mhz1_a@yahoo.ca" <Mhz1_a@yahoo.ca>; makuza sebahizi jules <makuzajules@gmail.com>**
**Envoyé le : Lundi 20 août 2012 2h29**
**Objet : Les choses à payer**

Voici les choses qu'on aura éventuellement besoin après la réunion du 27. Nous devons être en possession de ces choses avant même la tenue de cette dernière pour qu'une fois tenue que les opérations ne dépendent plus de nous.

- ARME D'APUI PKM/PM : 550$
- CARTOUCHE POUR PKM BOX :150$
- RPD 7 : 200$
- 1 COUP POUR RPD 7 : 100$
- ARME KARASHI : 55$
- BOX DE CARTOUCHE POUR KARASHI AKA : 150$
- FAR : 50$
- BOX POUR FAR : 150$

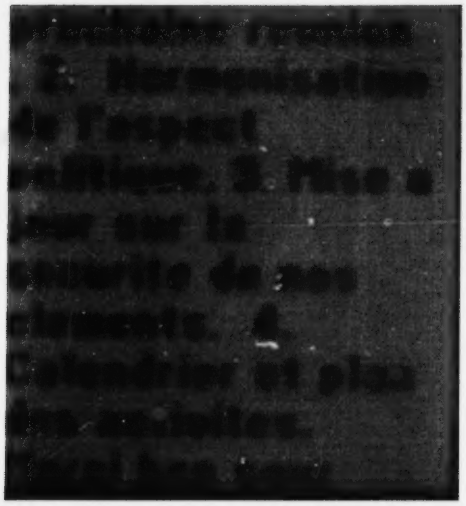
l'état de besoin que je vous avez fait la fois je pense, était juste pour Gén MYELE seul mais pour le moment j'ai comme l'impression que tous les groupes présenteront leur état de besoin, à mon avis nous devons trouver de moyens de toute urgence pour que ces choses soient prêtes. Par exemple par quantité nous devons faire fois 15.
C'est-à-dire nous considérons l'état de besoin que le Gén MAYELE nous avez fait mais nous augmentons la quantité.
Par exemple lui nous demandait
1) 7 ARMES d'apui (PKM) mais nous, nous mettons 10
2) 12 BOX de cartouche AKA mais nous, nous mettons 25
3) 7 BOX de cartouche FAR mais nous mettons 15

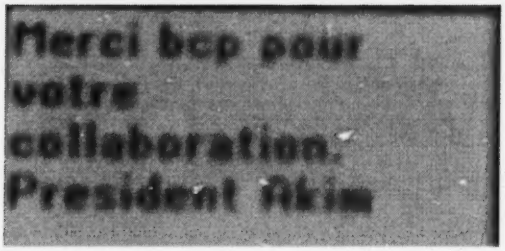
4) 5 RPD 7 mais nous, nous mettons 10
5) 20 COUPS ROCKETS mais nous, nous mettons 25
6) Motorola 15 mais nous mettons 20
7) Médicament nous payons ça ici ce ne pas grave.
8) Carte de communication.
9) Pour tous les groupes nous donnons 2000$ pour ration cette fois si c'est ne pas pour lui seul mais c'est pour tous le groupe.
Avec ça nous le mettrons aussi devant un fait accompli et je pense qu'ils n'auront pas deux choix ils vont se départager ces matériels pourvu qu'ils arrivent d'abord à Uvira d'autre choses viendront après.
Discuter au tour de ça puis passons directement à l'étape suivante aussi une chose, il y des choses qui vont être payés à Bukavu alors le facteur temps compte bcp, nous devons être plus expéditifs.
Merci

**BIKA SELEMANI Fabien**
**Ingénieur Informaticien**
**Administrateur au Bureau d'Assistance-Conseil en Informatique et Gestion**
*Tél: (+243) 990297735*
*Mail: bikasfr4@gmail.com*
*Skype: fabien.bika*

## Annex 42

**Text message by Akim Muhoza insisting on meeting in Kigali.**





## Annex 43

## Extract from the terms of reference for MRPC in Ituri.

18. The recognition of ranks of military elements, from the soldier to the general;Fusion, deployment and equal functions for all military elements and troops.
19. Resistance against neocolonialism which imposes upon us a regionalist and tribal domination (Ndeko ya !!, mwana ya !!, etc...) and constitutes a club of friends to loot the resources of KIBALI-ITURI of the country to the detriment of the indigenous population;
20. We forcefully refuse the presence of CNDP, M23 throughout the territory of the DRC in general and of Ituri in particular;
21. The revision of all 'léonais' (?) contracts signed and cross-signed by the DRC government.

Drafted in Bunia, 01/08/2012

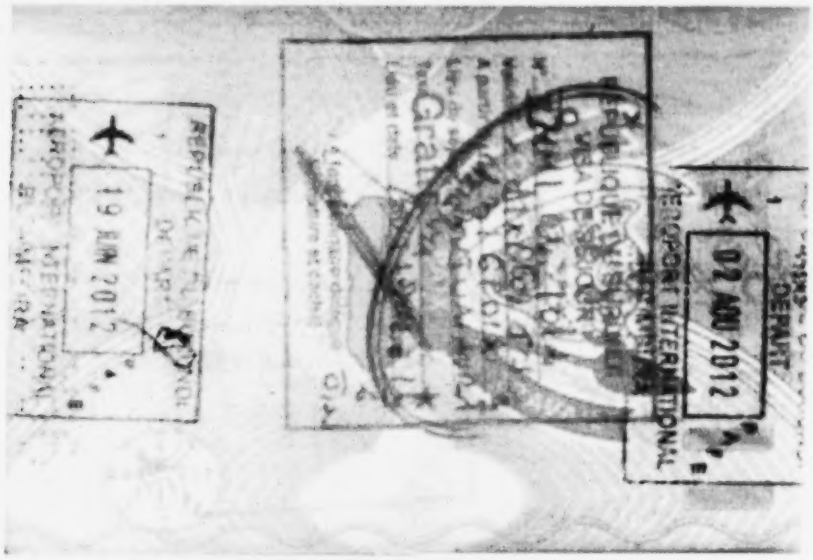
**The PRESIDENT of the M.R.P.C**
**Eric DHEDONGA.N**

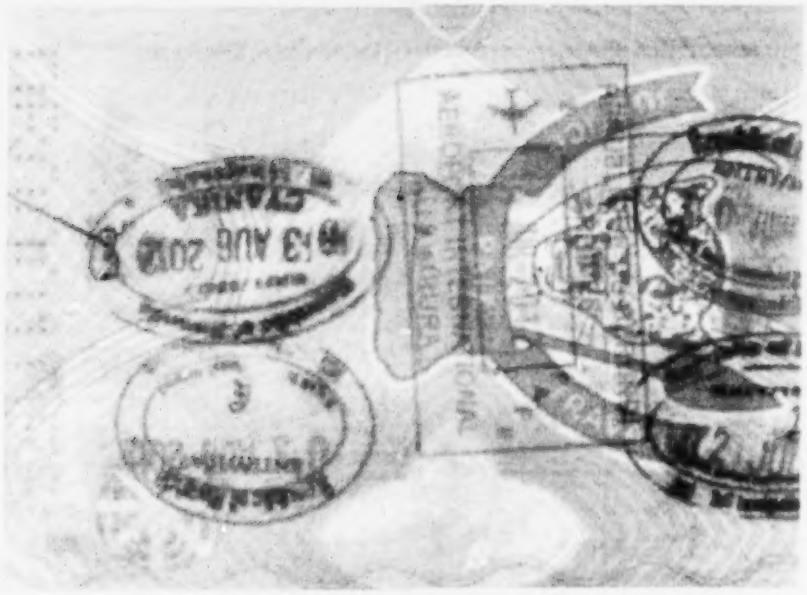
**Chief of Staff MAJOR GENERAL**
**Général Jules MUSAFIRI.D**

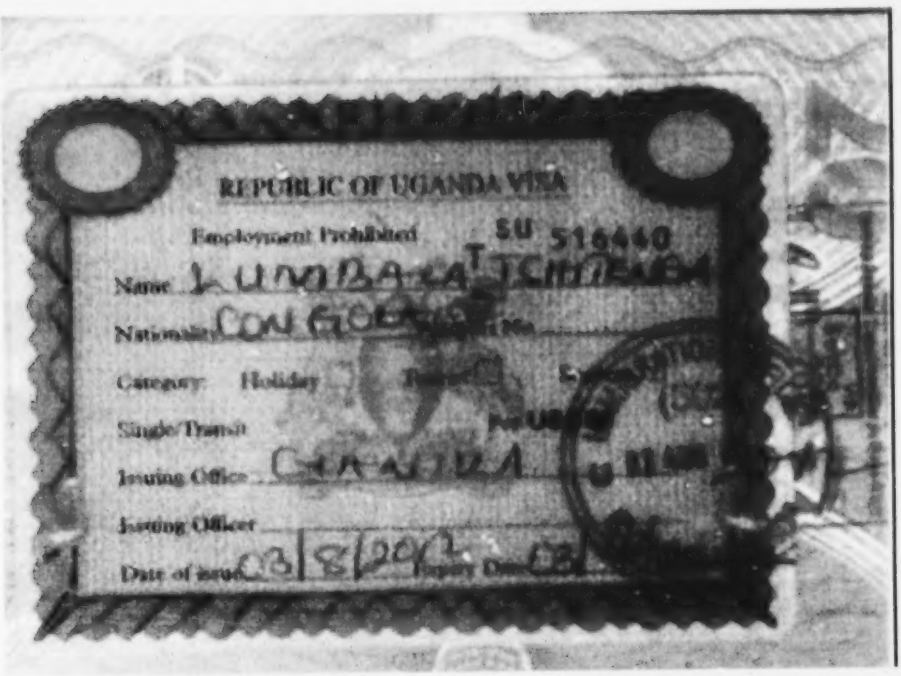
**Spokesperson**
**David PANZA DHEVI ATENYI**

## Annex 44

**Pages within Roger Lumbala's passport showing his travels to Rwanda, Uganda, and Burundi.**




REPUBLIC OF UGANDA VISA
Employment Prohibited
SU 516440
Name
Nationality
Category: Holiday
Single/Transit
Issuing Office
Issuing Officer
Date of issue 03/8/2012

BUA0032122
V.E.G
KIGOBE
REPUBLIQUE
DU BURUNDI

## Annex 45

**The signed official statement by Roger Lumbala following his arrest in Bujumbura, Burundi. (Lumbala acknowledged to the Group it was indeed his signature.)**

—

REPUBLIQUE DU BURUNDI
PRESIDENCE DE LA REPUBLIQUE
SERVICE NATIONAL DE RENSEIGNEMENT

PRO-JUSTITIA

L'an deux mille douze, le premier jour du mois de Septembre vers 15 heures, Nous, MBUBURUNDI Méthode, officier de police judiciaire à compétence générale en fonction au SNR

Agissant en cette qualité, interrogeons l'inculpé LUMBALA ISHITEVERA ROGERA fils de ISHITEVERA et de Nyonsa né en MWEKA au RDC, congolais, marié député en RDC, résidant actuellement à BUJUMBURA (Bujumbura), PA n° 500000 qui nous dicte ce qui suit :

Roger Lumbala

Q. Quand est-ce que tu est arrivé au Burundi ?
R. Je suis arrivé hier le 14 juillet 2012 au soir
Je suis parti au Rwanda deux fois
Je suis revenu au Burundi.
Q. Quand est-ce que tu est allé au Rwanda ?
R. Je ne me rappelle pas les dates que c'est première fois j'ai passé au Rwanda deux jours et la deuxième fois deux jours
Q. Quelle était votre mission au Rwanda ?
R. C'était sur invitation d'un ami à moi appelé SAFARI qui travaille dans les services de renseignement Rwandais

Q. L'invitation portait sur quoi ? —
R. Il m'a demandé si je pouvais m'associer au M23 mais j'ai refusé. Il m'avait déjà appelé deux ou trois fois c'est ainsi qu'il m'a demandé d'aller le voir au Rwanda
Q. Pourquoi tu es encore retourné au Rwanda pour la deuxième fois ? —
R. C'était pour la même invitation mais j'ai encore refusé de travailler avec eux dans le M23. —
Q. Est-ce que le M23 travaille avec les Rwandais
R. SAFARI est un congolais qui travaille dans les services de renseignement rwandais, comme il m'a demandé de m'associer au M23, je confirme que le Rwanda travaille avec M23
Q. Quelles sont les personnalités que vous avez rencontré au Burundi ? —
R. Aucune personnalité politique au Burundi. J'ai rencontré seulement Mr NZEANGO qui est conseiller à l'ambassade de l'Afrique du Sud au Bdi. C'était au cercle Nautique. —
Q. Avec qui était NZEANGO ? —
R. Ils étaient à deux mais l'autre personne je ne la connais pas ? —
Q. Quel était l'objet de votre rencontre ?
R. Personnellement, c'était pour lui demander les visas mais en me voyant il a cherché à connaître la situation de la RDC. /9

I. Est-ce que vous avez-vous parlé de ...
R. On a parlé de tout. On a parlé de M23, des militaires Congolais on a parlé aussi de la politique Congolaise, il voulait s'enquérir de la situation du Congo.

. Avez-vous quelque chose à ajouter ?
. Je suis venu au Burundi comme ressortissant je suis sa femme. J'ai une femme au Burundi qui s'appelle Alice NDAYISENGA, je ne suis pas venu pour faire la politique
Après lecture faite par lui-même, signe avec nous le présent Procès-Verbal
Je jure que le présent PV est conforme à l'intéressé

Le officier de Police judiciaire
Assisté du Greffier

Marie Thérèse Roger

# Annex 46

## Additional information on M23 support networks

### 1. RDF covert operations to support to M23

In addition to the direct military support, Rwandan officials have also organized covert operations in the DRC to aid M23 progression.

*a) Infiltrations to Masisi Territory*

After FARDC drove out ex-CNDP mutineers from Masisi territory at the beginning of May 2012, M23 undertook repeated initiatives to destabilize the area. In particular, M23 encouraged desertions of ex-CNDP officers from FARDC units based in Masisi, infiltrated M23 troops towards Masisi, as well as supported armed groups operating in that same area. Subsequent to the M23 on Bunagana in July, local leaders and border officials witnessed how RDF units deployed at Kabuhanga and Njerima in Rwanda clandestinely entered into the DRC not far from the Congolese frontline village of Kibumba. These sources, as well as M23 collaborators stated that part of these troops walked through the Virunga National Park (VNP) towards Masisi.

Furthermore, five civilians who had been recruited by M23 and underwent training at Runyoni, witnessed how RDF troops crossed into DRC near the Congolese village of Bukima and further deployed, together with M23 soldiers, towards Masisi, crossing through the VNP. Several current and former M23 officers told the Group that the rebels have established a base in between Rutshuru and Masisi in the VNP, with the aid of units of Gaston Mukasa, alias "Mandevu", a former FDLR who allied with M23. The Group interviewed one surrendered M23 soldier who had been recruited and brought to this M23 position and attested that it was held by both RDF officers and Congolese rebels.

**Image 1: RDF and M23 infiltrations towards Masisi territory**

*b) RDF officers operating clandestinely from within the FARDC*

RDF officers have clandestinely infiltrated their own officers within the FARDC since the 2009 army integration. While officially part of the FARDC, these officers continued operating under RDF command. The Group interviewed several such officers, who admitted that they had maintained a direct reporting line to the RDF while operating within the FARDC. Amongst these, four officers told the Group that they had been ordered to join the FARDC for intelligence-gathering purposes. These soldiers had subsequently joined M23.

One former RDF officer told the Group that while he was integrated in the FARDC, the RDF tasked him to gather intelligence on the FDLR, FARDC, and MONUSCO. The same officer continued similar operations within M23 and knew of several other officers who have been carrying out similar missions. Two other former RDF officers have been tasked with gathering intelligence enabling the desertion of ex-CNDP officers to join M23. One of them acknowledged joining the FARDC on orders of his superiors within the RDF.

Another former RDF officer told the Group that while based in an FARDC unit previously deployed along the border with Rwanda in Rutshuru, RDF officers and Ntaganda tasked him to travel to Rwanda through Kibumba and mobilize Rwandan citizens to be brought to the DRC and clandestinely integrated into the FARDC. He continued playing a similar role for M23.

Several former RDF and CNDP officers stated that RDF soldiers were part of Ntaganda's close protection unit. The Congolese authorities arrested one of these Rwandan soldiers while he was carrying out intelligence-gathering activities at Kibumba ahead of the creation of M23.[106]

**2. Recruitment networks for M23 in Rwanda**

RDF commanders established a network of military and civilian recruiters operating for M23 in most of the villages in western Rwanda, as well as in the refugee camp at Nkamira. The Rwandan town of Gisenyi, just across from Goma, has become the main centre of recruitment.

Politicians, former RDF officers, former CNDP officers, and M23 collaborators stated that Rwandan Minister of Defence General James Kabarebe, Rwandan Senator Rwigamba Balinda and Bishop John Rucyahana have been distributing funds for recruitment efforts. Gafishi Semikore, Ngoga, Ngabo, Kazoza, Joseph Mpumuro have received funds to recruit for M23.

Former North Kivu Minister of Justice and current Executive Secretary of M23, Francois Tuihimbaze Rucogoza[107] also participates in the recruitment operating from Gisenyi. Two former M23 soldiers interviewed separately, as well as a current M23 member, told the Group that on 1 July 2012, Tuihimbaze invited a group of 12 lawyers and schoolteachers to a conference in Goma. Tuihimbaze's legal councilor, Kevin Bitwayiki, brought the 12 further to Rwanda. Once in the town of Gisenyi, Bitwayiki locked them in the residence of the M23 Minister of Youth, Ali Musagara. According to those who subsequently escaped, RDF soldiers then brought the group to the DRC to join M23. The same sources, as well an M23 officer, asserted that Tuihimbaze has recruited several other groups in a similar fashion.

[106] Paragraph 31 (b), S/2012/348/Add.1
[107] Paragraph 29, S/2012/348/Add.1

Former CNDP members, politicians and M23 supporters informed the Group that senior RDF officers, as well as RPF figures involved in the M23 command and mobilization, divert a portion of the financial contributions collected on behalf of M23 for their own benefit.

### 3. Rwandan support to M23 using Ugandan territory

Rwandan officials have used Ugandan territory to supply M23. Western Rwanda continues to serve as the main zone for recruitment for M23 and the RDF continues to supply M23 through Kinigi. The main route to bring recruits and supplies to M23 remains the trails between Kinigi and Runyoni through the VNP. However, former RDF officers, former M23 combatants, as well as local leaders in Uganda stated that since the rebel takeover of Bunagana, bordering Uganda, Rwandan officials have increasingly supported M23 using Ugandan territory, as the rebel-held area is accessible by road through Uganda.

In early September 2012, Ugandan authorities arrested seven Rwandan nationals who were traveling through Ugandan territory to join M23 in Rutshuru, including Robert Rutinywa who claimed to be a Brigadier General in the RDF and a Congolese national. Rutinywa was found guilty of illegal entry into Uganda and sentenced on 10 September 2012.

Ugandan authorities in Kisoro and Ugandan border official witnessed recruits joining M23 through Uganda, and Rwandan officers travelling to Bunagana, using Ugandan territory. One M23 former soldier stated that after being recruited in Rwanda, and transiting through Ntaganda's hotel, he had been brought to Bunagana through Uganda, in a vehicle, alongside with seven other recruits.

### 4. M23's Website : "Soleil du Graben"

M23 uses several propaganda media instruments, including pages on social media sites such as Twitter and Facebook, as well as an official website, www.soleildugraben.com, established on 14 May 2012. The latter has been used by M23 to refute widespread accounts of abuses and forced recruitment, including of children, within the territory under rebel control. Moreover, the website has published a series of articles accusing MONUSCO of indiscriminately bombarding civilians. According to several M23 collaborators, the content of this website is written and uploaded from the Rwandan town of Gisenyi.

On 7 June 2012, the Group wrote to the Government of the United States requesting cooperation on its investigations regarding Hostmonster.com, the host server of www.soleildugraben.com based in the United States. In September 2012, the Government of the United States informed the Group that it would not be able to support the Group's investigations on M23's website.

**Image 2: Homepage of M23's website**

## 5. M23 Local Administration in M23-controlled Areas

M23 took advantage of the respite in front-line operations in Rutshuru, to seize all local institutions in its controlled areas, as well as to name a loyal local administration, deploy a police force, and establish a taxation system starting August 2012.

On 25 August 2012, M23 nominated Benjamin Mbonimpa, a member of its political bureau, as the new Territorial Administrator in Rutshuru. M23 also deployed a police force in Rutshuru under the command of Colonel Ibrahim Rwagati, who had been the deputy of the CNDP's parallel police in Masisi territory[108]. Rwagati transferred the former parallel police soldiers from Masisi to Rutshuru.

According to UN sources, the M23 local administration also took over DRC government equipment provided by donors within the framework of the United Nations' International Security and Stabilization Support Strategy (ISSSS). In particular, M23 took control of the ISSSS funded prison, and recruited over 80 prisoners held there into M23.

Furthermore, on 25 September 2012, M23 police officers at Kiwanja broke into the National Independent Electoral Commission's (CENI) premises and seized 84 electoral kits and 42 motorcycles. The rebels transported the looted equipment to Bunagana on tractors they had previously taken from the customary chief of Rutshuru territory. M23 officers involved in the seizure told the Group that the rebels needed the electoral equipment to prove that Kabila was not the true winner of the 2011 Presidential Elections.

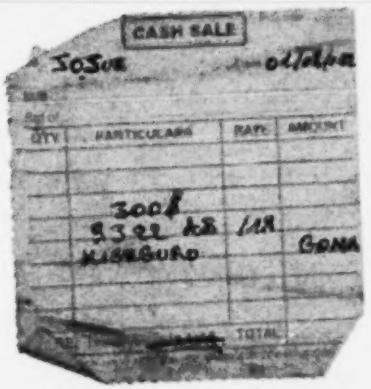
Dozens of local businessmen and traders told the Group that M23 imposes a tax of US$ 300 for each standard commercial truck which transits through its territory. Semi-trailer container trucks must pay $800 according to the same sources. Moreover, according to local leaders, each family in Rutshuru is obliged to share a part of their harvest with the rebels. According to former combatants, the Group

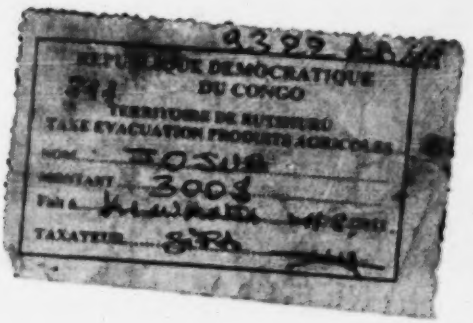
[108] box 4, S/2012/348

estimates that from local taxation alone, M23's monthly revenue exceeds $200,000. Businessmen based in Goma and Rwanda, as well as diaspora supporters, also make financial contributions to M23 in the form of money transfers.

Former CNDP members, politicians, and M23 collaborators told the Group that a portion of the taxes collected in Rutshuru, as well as funds raised from voluntary contributions, have been shared with RDF commanders.

**Image 3: Tickets of $300 tax on trucks crossing through M23 controlled area in Rutshuru**



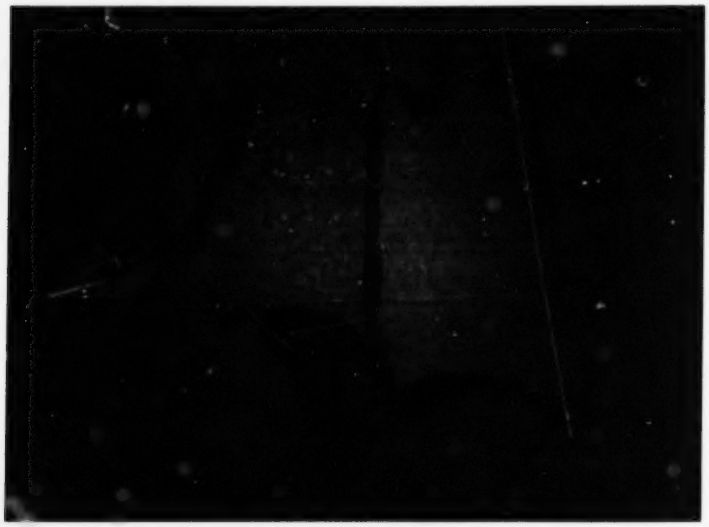

## 6. M23 Gold Smuggling

M23 has sought financing for its movement through the sale in Kampala of gold which have transited through border posts it controls with Uganda. Former UPDF officer, two Kampala-based businessmen, and M23 cadres reported that M23 attempted to sell gold originating from mines controlled by M23 allies in Walikale and Ituri. These sources reported that M23 first brought to Kampala a shipment of 200 kilograms of gold, and subsequently another lot of 125 kilograms, both transiting through Bunagana.

According to one former UPDF officer, one Kampala based mineral dealer, and one M23 cadre, the rebels have transported the 200 kilograms shipment to Nairobi in early September 2012. M23 members contacted Andrew, a Kampala-based broker, to find a buyer. Two M23 cadres also informed the Group that the 125 kilograms gold arrived to Kampala on 26 September 2012, and that M23 still looked for a buyer.

M23 members, as well as Kampala-based smugglers informed the Group that Ntaganda oversaw these deals, and that the gold had been obtained through his longstanding collaboration with other armed groups. The same sources stated that the revenues of these sales would be allocated to the functioning of M23. The Group notes that Ntaganda previously collaborated with a network of scam artists in Kampala and Nairobi, and assumes that the gold could be at least partly false.

**Image 4: Sample of the 125 kg gold brought by M23 to Kampala**



## 7. Recent Build-up of Military Supplies and Equipment

In October 2102, the Group gathered evidence of M23 purchasing new military equipment, including boots and uniforms. In particular, the Group witnessed a large delivery of rain boots to the rebels in the DRC – Uganda border town of Bunagana (See picture 5). The Group also received photographs of new M23 uniforms, fabricated using the tissue that was used for RDF uniforms in the past (See picture 6).

**Image 5: Boots delivery to the rebels at Bunagana**

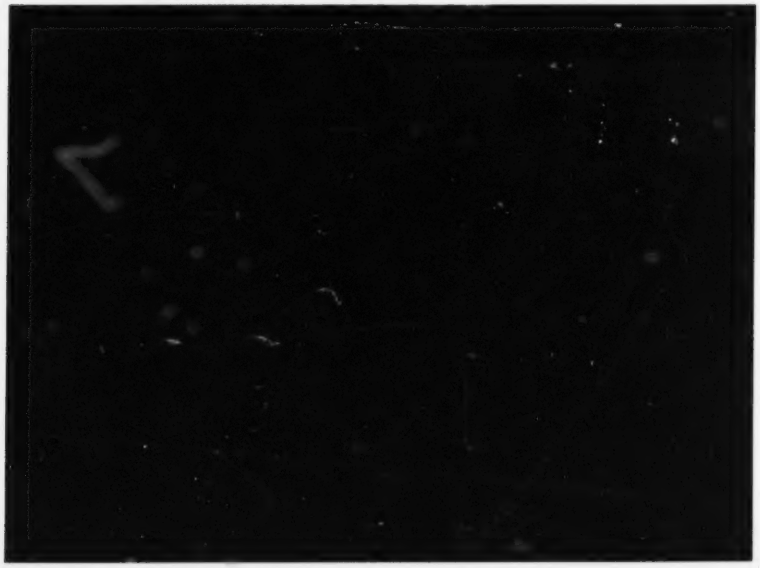


**Image 6: New M23 uniform**

## 8. The Evolution of M23 demands

M23's main demands are linked to the implementation of the 23 March Peace Agreements which led to the integration of the CNDP into the FARDC. Since 2009, the Group documented continuous challenges to the integration of CNDP officers in the FARDC, including ex-CNDP officers obtaining a majority of key command positions, lucrative deployments in mining areas, and extensive private weapons stocks. Ex-CNDP officers also were behind generalized land expropriations, and imposed their candidates for the legislative elections in Masisi. In stark contrast with these findings, M23 rebels claim to have undergone discriminatory treatment in the army, and demanded recognition of ranks, payment of salaries, political integration, and the return of refugees from Rwanda.

Since the outset of the rebellion, M23 adapted its demands following advice provided by Kabarebe and Nziza, and added issues regarding poor governance and the mismanagement of the elections by GoDRC. Building on this new narrative, the rebels sought alliances with Congolese opposition members disgruntled following the elections, as well as with other armed groups, claiming that the latter are self defence groups protecting themselves following failures of the GoDRC.

However, RDF, RPF, and M23 commanders have given M23 civilian cadres and soldiers different justifications for this war. Politicians, ex-RDF, UPDF, and M23 officers told the Group that building upon the example of South Sudan, Rwandan officials consistently lobbied for the rebels to set their eyes on the secession of the Kivus. Former M23 soldiers stated that their commanders told them they should fight to "liberate the Kivus," or to "annex the Kivus into the East African community." According to M23 officers, during internal meetings, RDF and UPDF officers extensively discussed options for extending their spheres of influence and economic gains in eastern DRC using the M23.

***Extract of the communique on M23's agenda for negotiations with GoDRC in which M23 denounce the failures of the army integration and the elections***

**EVALUATION DES ACCORDS DU 23 MARS 2009 PAR LE M23**

| Articles | Evaluation par Le M23 des accords du 23 Mars 2009 |
|---|---|
| **Article 1 :**<br>**De la transformation en partis politiques**<br>a) Intégration des éléments de l'armée et de la police | -Mise à la disposition du gouvernement des forces armées et des éléments de la Police Nationale pour intégration dans les structures traditionnelles de l'armée et de la Police Nationale.<br>Au lieu de les intégrer dans les structures traditionnelles de l'armée, |
| | une structure spéciale (**Amani Leo**) chargée des opérations a été créée pour les absorber.<br>Hormis la non intégration, les militaires ex- CNDP et PARECO ont été victimes de discriminations dans le traitement et ont été des cibles des leurs collègues.<br>-Discrimination au niveau de paie : lorsque les militaires qui étaient dans les FARDC touchaient leurs soldes, les militaires ex –CNDP et PARECO ne touchaient que des primes forfaitaires. **Voir des lettres adressées au chef de l'état à cet effet (Pièce N.1)**<br>-Refus de doter aux unités affectées dans des opérations contre les forces négatives d'une logistique adéquate, |
| **Article 11 : Mode de scrutin** | Le régime a modifié la loi électorale en supprimant le second tour, ce qui prive le peuple de sa qualité de souverain primaire et ainsi, il n'est plus nécessaire d'obtenir l'expression de la majorité des **congolais** pour le gouverner ( **Kabila** gouverne avec **48%** des suffrages obtenus après tricherie selon les différents rapports des observateurs électoraux( Centre Carter, Eglise Catholique, Union Africaine, Union Européenne, MONUSCO et le peuple congolais à travers plusieurs manifestations pacifiques réprimées dans le sang). |

***M23 communique reacting to the ICGLR summit in Kampala, in which they demand the integration of all "self-defense groups"***

**Communiqué officiel N°0024/M23/2012**

La Coordination du Mouvement du 23 mars vient de prendre connaissance des résolutions issues du sommet des Chefs d'état et de gouvernement de la Conférence Internationale sur la Région des Grands-Lacs tenu à Kampala du 07 au 8 Août 2012. Pour le Mouvement, il s'agit là des avancées notables dans la résolution de la crise à l'Est de la République Démocratique du Congo réalisées en un temps record ; ce dont il se félicite.

[...] Tout en exprimant ses remerciements aux Chefs d'état et de gouvernement de la CIRGL pour le choix judicieux de leur pair devant assurer le suivi de des résolutions ainsi édictées, la Coordination du Mouvement plaide en faveur d'une solution politique qui intègre tous les groupes d'autodéfense populaire que compte la République Démocratique du Congo en vue d'une solution globale et définitive de la crise.

# Annex 47

## Alleged incidents of collaboration between the FARDC and the FDLR according to the Government of Rwanda transmitted to the Group via email on 1 August 2012.

- "On 16 May 12, FARDC unit in Kanyabayonga and Kirumba sent local authorities in the area to go to Bushalingwa and negotiate with FDLR on cooperation mechanism to fight M23.
- On 16 May 12, one Capt Bruce an FDLR Coy Comdr deployed at Lusamambo received a letter from FARDC requesting FDLR to support FARDC Ops against M23.
- On 18 May 12, FDLR 2 x coys and CRAP elements under command of Capt Malius were integrated within FARDC troops deployed at Mweso under command of Lt Col Niyibizi.
- On 22 May 12 , 02 FDLR Officers, Capt DOGORE 1 Div G2 and Capt Murengezi alias Kintu from Gen Mudacumura HQs, held a meeting in Goma with FARDC officers that were led by Col Smith Gihanga.
- On 24 May 12, FDLR Lt Col Caleb SABENA Bn Comdr received 100 pairs of FARDC uniforms from Col Yav Philimin, a FARDC Comdr based in Rutchuru.
- On 24 May 12, FDLR 02x coy from Remeka and Numbi were integrated in FARDC unit operating in Masisi and Kalehe and later transported to Rutchuro to reinforce other FARDC units against M23.
- Justification of these allegations were further confirmed by FDLR Lt Col Mbarushimana Etienne alias Mbaraga Bantu (former FDLR Auditeur Militaire) who was repatriated on 24 May 2012 from Walikare.
- He confirmed that that he left when FDLR comdrs in Walikare were in preparation to meet FARDC and negotiate for arms/ammos and effective cooperation.
- On 5 Jun 12, 02 FDLR Coys under Maj Oreste from Montana Bn were accorded safe passage by FARDC in areas of Nyanzare and Mweso to cross to Kilama to launch cross border infiltrations into Rwanda.
- On 16 Jun 12, Lt Col Niyibizi a FARDC comdr deployed at Kibirizi/ Rutchuru zone supplied to FDLR CRAP Comdr (Capt Manudi) 12 boxes of AK 47 ammos, 08 shells of RPG, 12x shells of 60 mm Mortar and 10 x shells of 82 mm Mortar.
- On 4 Jun 12, Pierre LUMBI, President Kabila's Security Advisor tasked Hon. Julien PALUKU KAHONGYA, the Governor of North Kivu Province to identify high profile contacts within FDLR who could link the Government of the DRC with the overall Comdr of FDLR(Gen S Mudacumura) in order to convince him resume cooperation with FARDC against M23 and consequently plan future terror attacks in Rwanda.

- On 25 Jun 12, two FDLR Political cadres Murego Faustin (Ex-FAR Lt) and Nzabonimpa Joseph both living in Belgium, were arrested in Rutchuro with Belgian passports. Their travel is related to the above DRC/FDLR cooperation plan.

- On 9 Jul 12, FDRL Bahama Bn Intelligence Offr Maj Blaise Asifiwe was in Goma leading an FDLR delegation that met FARDC Land forces Comdr Maj Gen Amisi KUMBA. The meeting decided that FARDC immediately provides arms and Ammos to FDLR to conduct terror attacks in Rwanda.

- On 2 Jul 12, FARDC Brig Gen Masunzu met with FDLR 2 Div Comdr Lt Col Hamada and requested him to deploy FDLR in S/Kivu in the positions abandoned by FARDC troops who were redeployed in North Kivu.

- Subsequently on 10 Jul 12, FDLR 2 DIV Comdr Lt Col Hamada met FNL Comdrs in South Kivu and relayed FARDC MASUNZU's intent.

- On 27 Jul 12, FDLR 1 Bn of 2Div in S/Kivu received 1XCOY of FNL combatants and occupied positions that were formerly occupied by FARDC.

- On 27 Jul 12, FDLR troops under Lt Col Hatungumuremyi alias Caleb at Kilama forest reinforced FARDC at Kanyabayonga in preparation for an attack against M23. On the same date they (FDLR in Kilama forest) started to receive FARDC ID cards to facilitate the FARDC/FDLR joint operation."

## Annex 48

**Guillaume George Majambere's twitter page stating that he is the President of ADN.**

**Majambere Georges G.**

@MajambereG

*Président de ADN-Burundi Abatabazi, un mouvement politico-militaire burundais.*

Belgique http://www.adn-burundi.org

Follow

9 TWEETS

86 FOLLOWING

16 FOLLOWERS

# Annex 49

## Arrest warrant issued on charges of war crimes for Paul Sadala of Mai Mai Morgan.

Objet : Ouverture d'une Information judiciaire à charge de : Major MORGAN non autrement identifié.

A Monsieur l'Auditeur Militaire Supérieur de la Province Orientale à Kisangani.

Monsieur l'Auditeur Militaire Supérieur,

Honneur de vous saluer et de porter à votre connaissance qu'une information judiciaire est ouverte à charge de Major MORGAN non autrement identifié entretenant les Milices dans le Territoire de MAMBASA pour crime de guerre par viol, par meurtre et par pillage, fait prévu et puni par les art 173 et 174 CPM, 8 du statut de ROME relativement au rapport du Chef de parquet de MAMBASA, au regard de crime décrié ci-haut.

Toutefois, le Chef PMD MAMBASA est chargé de récolter les données aux différents services de renseignements de MAMBASA au regard de crime décrié ci-haut.

A toutes fins utiles, vous serez informé à tout état de la procédure par un rapport écrit et motivé.

Profonds respects

*Auditeur Militaire de garnison de l'ITURI*
*KUMBU NGOMA*
*Major Magistrat*

## Annex 50

**12 caliber hunting ammunition used by Raia Mutomboki, which is identified as produced by MACC in Republic of Congo.**

# Annex 51

## MACC response to the Group's inquiry regarding its sale of ammunition to the DRC.

From "macc" <macc@macc cg>
To biggs@un org
Date 03/08/2012 05 49 AM
Subject V/ Lettre Réf S/AC 43/2012/GE/OC 27

Attention Monsieur David Biggs
Secrétaire du Comité du Conseil de Sécurité
République Démocratique du Congo

Cher Monsieur

Nous accusons réception de votre email du 1 août qui a retenue toute notre attention

Notre société la Macc ne produit pas d'armes, elle ne fabrique que des cartouches de chasse de calibre 12 pour fusils a canon lisse utilisés par les chasseurs de petits gibiers

Nous n'avons pas de relation commerciale avec la RDC, notre activité s'exerçant au Congo et dans la CEMAC

Nous vous prions d'agréer, Cher Monsieur, l'expression de nos meilleures salutations

Michel Laumond
Directeur MACC

## Annex 52

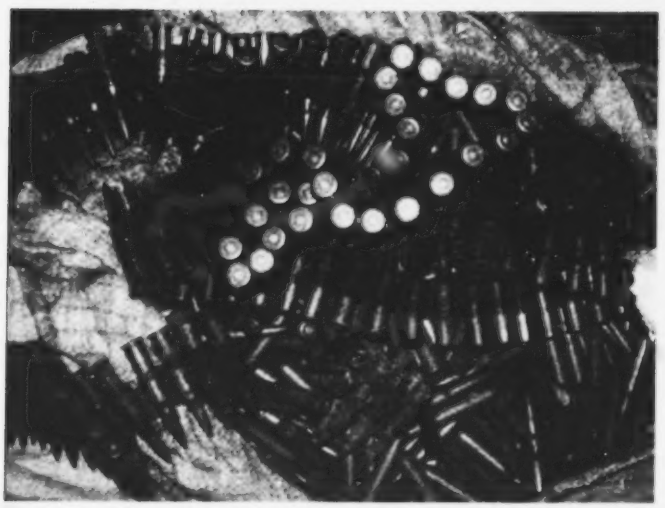
**Sample of MACC ammunition available in the eastern DRC.**

## Annex 53

**Document demonstrating the shortage of PAREC funds and debts to those who have handed in weapons.**

## Annex 54

**PAREC arms that M23 emissaries sought to purchase.**



## Annex 55

**UXOs discovered in M23 territory.**

# Annex 56

## Further information on violations of international humanitarian law and profiles of senior M23 commanders.

### A. Sexual violence

#### 1. Incidents of (mass) rapes

##### (a) Rapes committed by M23

By the end of September 2012, international human rights NGOs documented up to 46 rapes of women and girls committed by M23 during separate incidents from June 2012 onwards. The Group interviewed a 50-year old woman who was attacked by an M23 soldier in mid-September. She later fled her village in Rutshuru territory for an IDP camp in Goma out of fear of being attacked again.

##### (b) Rapes committed by Raia Mutomboki

On the night between 5 and 6 April, the Raia Mutomboki attacked the village of Nyalipe in Ufamendu II, Katoyi sector, in Masisi. According to information received by the Group, the assailants raped nine women, including four minors, during the attack. 19 people were killed and at least 29 houses were burnt down.

##### (c) Rapes committed by Mai Mai Morgan

Former Morgan combatants have described to the Group how after every attack, Mai Mai Morgan capture women to serve as sex slaves. On 14 May 2012, Radio Okapi reported that 30 women were raped during an attack on the village of Molende. An international NGO specialised in sexual violence documented another 60 cases at least and explained to the Group that 11 young girls have remained in captivity since the Mai Mai Morgan attack on Epulu in June 2012. The Group also learned that Sadala's men have repeatedly and intentionally burned alive FARDC soldiers and civilians captured during their raids. The military judge of Bunia has opened a case against Sadala for war crimes and issued an arrest warrant.

##### (d) Rapes committed by FDLR

The UN documented at least 106 incidents of sexual violence committed by the FDLR between December 2011 and September 2012. In South Kivu, the majority of rape incidents perpetrated occurred in Kabare, Kalehe and Shabunda territories. Most of the rape cases occurred during FDLR attacks on villages.

On the night of 10 March 2012, according to a UN investigation, the FDLR raped seven women, including a minor, in Kalinganya, Kabare territory. The FDLR attacked the village again on 10 April 2012 and raped three of the women for the second time. Following these incidents of violence by the FDLR in the area, the Raia Mutomboki issued an ultimatum for all FDLR and their families to leave the zone or be killed.

#### 2. Update on Walikale mass rapes in July-August 2010

There has been little progress in the case of the mass rape in Walikale perpetrated by the NDC-FPLC-FDLR alliance in July and August 2010. The sole defendant in the case at the time, Captain Sadoke

Kikunda Mayele, an FARDC deserter and NDC soldier, died of illness in Goma central prison on 14 August 2012. After several unsuccessful attempts to pursue others accused, Major Alphonse Karangwa, an FARDC soldier, was arrested by FARDC in Goma on 21 September 2012.

### B. Targeted killings of civilians

#### 1. Massacre in Makama, Fizi territory, by troops of the 105th regiment

The Group received information regarding a massacre committed by troops from Col. Nsabimana's 105th regiment in Makama, a gold mining area in Fizi territory, on the night of 5 February 2012. During a visit to Makama in July 2012, the Group confirmed that at least nine people were killed during this attack by Nsabimana's troops.

#### 2. Killings of civilians by the FDLR and the Raia Mutomboki in North and South Kivu

Since the January killings committed by the Raia Mutomboki in Shabunda, the cycle of violence and reprisal attacks between the Raia Mutomboki and the FDLR/Nyatura coalition has spread to Kalehe, Walikale and Masisi, where the Raia Mutomboki operated with M23 support. These armed groups killed civilian populations and destroyed civilian property. According to UN investigations, the Raia Mutomboki combatants committed most of the human rights violations.

##### (a) Killings in Ekingi by Raia Mutomboki

From 1 to 4 March 2012, Raia Mutomboki conducted attacks in several villages near Ekingi (22 Km North-West of Bunyakiri, in Kalehe territory), a stronghold of the FDLR at the time. The Raia Mutomboki killed at least 32 people and burned the entire village of Mulinga, according to a UN investigation. The attackers travelled from outside the area, as there was no Raia Mutomboki near Ekingi at the time. According to a survivor who talked to the UN investigative team, the attackers spoke Kitembo and Mashi.

A Raia Mutomboki commander from Shabunda admitted to the Group that the attack was carried out by Raia Mutomboki, and stated that the attackers were an alliance of ethnic Batembos. The same source told the Group that the commander in charge was "Gaston," based at the time in Chulwe. Gaston was subsequently killed by the FARDC in September 2012.

##### (b) Killings in Bushibwambombo by FDLR

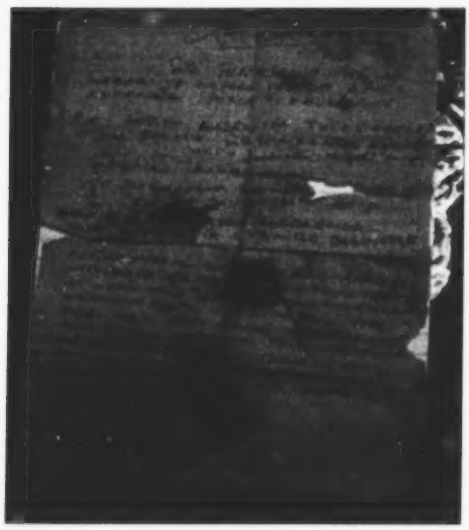
The Group documented 11 killings in Bushibwambombo, in Kalehe, on 6 April 2012 by the FDLR. The Group interviewed victims who had been injured in the attack and who said the perpetrators spoke Kinyarwanda, indicating that they were FDLR soldiers. The victims heard the assailants complaining that FARDC had attacked them. The Group was given a list of 11 victims of the attack, which included 3 women.

##### (c) Killings in Lumendje and Kamananga by FDLR

In response to the killings committed by the Raia Mutomboki in Ekingi, the FDLR attacked the villages of Lumendje on 5 May and of Kamananga on 14 May 2012, near Bunyakiri. At least 49 people were killed, and several others injured, during these two incidents. A UN investigation confirmed that FDLR soldiers killed 14 civilians, including 5 women and 5 children, in Lumendje. The assailants left a letter claiming it was their first operation and warning of further attacks against

those supporting the Raia Mutomboki. In Kamananga, FDLR soldiers killed 35 civilians, including 20 women and 12 children, and injured 38.

According to FARDC officers, FDLR Captain Castro Rafiki led the attack in Bunyakiri. Rafiki commands the FDLR Protection Company, which is part of the FDLR HQ Unit, based in Mpesi, Kabare territory. The overall command responsibility for the attack lies with Lieutenant Colonel Haberimana Hamada, the sector commander for South Kivu based in Mwenga.



*Letter left by the FDLR in Lumenje*

**(d) Killings in Masisi territory by the Raia Mutomboki and the FDLR in May**

According to a UN investigation, a coalition of the Raia Mutomboki and Mai Mai Kifuafua killed 343 people -most of them women and children- during a series of 20 attacks on 11 villages in Ufamendu II area, in southern Masisi territory, between 5 and 28 May 2012. The victims were FDLR and Congolese civilians of Hutu ethnicity. The perpetrators were armed with machetes and sticks, with some AK-47.

In retaliation, FDLR/Nyatura coalition targeted civilians in several attacks, during which they killed 19, including five minors and six women and burnt 18 villages. On 7 May, the same coalition attacked the village of Tanzania in Ufamandu I and burned down houses. As a result, three children died burned alive and 4 adults were injured. All the victims were ethnic Tembos. Throughout May, the FDLR continued attacks on villages in Ufamandu I and II, in Masisi, and in Waloa Luanda, in Walikale. In early June, the FDLR burnt three more villages in this area.

**(e) Killings in Masisi territory by Raia Mutomboki in August 2012**

In August 2012, Raia Mutomboki, Forces pour la defense du Congo (FDC), and Nduma Defence of Congo (NDC), who had in the meanwhile cemented their alliance with M23 (reference to RM section in the report) committed further brutal and targeted attacks against civilian populations in southern

Masisi, in Ngungu and Luke villages. The crimes included killings of scores of civilians and destruction of property. According to FARDC provisional estimates, over a span of three weeks, beginning with Raia Mutomboki's 26-27 August 2012 attacks on Ngungu and Luke, these armed groups burnt over 800 houses. UN investigators also confirmed over 150 killings with another 500 deaths remaining unconfirmed. The Group has been able to establish that the command responsibility for these attacks lies with M23 officers.

The Group concluded that mostly Hutu civilians were targeted during the attacks, indicating a pattern of ethnically-motivated crimes. Politicians and local authorities informed the Group that while Raia Mutomboki leaders accused Hutu populations of collaborating with the FDLR, the genuine reason for targeting ethnic Hutus was the refusal of most North Kivu Hutu leaders to join M23.

These Raia Mutomboki attacks have been ordered by M23 commanders as part of a deliberate strategy to destabilize Masisi. M23 members and intelligence sources told the Group that Makenga gave the orders for the Raia Mutomboki attacks. A former M23 officer told the Group that the Makenga is the coordinator of all M23 and allied armed groups operations. Another former M23 soldier overheard M23 commanders when communicating with the Raia Mutomboki during the August 2012 attacks in Masisi. These M23 officers in question cheered when the Raia Mutomboki advanced in Luke and Ngungu. Local leaders from Masisi stated that Colonel Badege commanded Raia Mutomboki's attacks on the ground.

### 3. M23 summary executions of recruits and prisoners of war

Several M23 commanders have been responsible for summary executions and torture of deserters. All former M23 soldiers interviewed by the Group reported that M23 officers threatened to kill recruits attempting to desert. According to accounts of former M23 soldiers, those who try to flee from the battle field are often shot on the spot. The following sources have provided detailed accounts of such crimes ordered by certain M23 commanders:

a) Two former combatants told the Group that sanctioned individual Colonel Innocent Zimurinda ordered the torture and killing of deserters. One of the soldiers from Zimurinda's position observed how two deserters were executed, while four other deserters were buried alive. Another former M23 soldier witnessed the severe beating of one deserter who was thrown in front of the others as a dissuasive example. M23 commanders starved two other deserters to death.

b) Two former M23 soldiers who escaped from their positions, interviewed separately, stated that Colonel Baudouin Ngaruye ordered the execution of two recruits who attempted to flee. Another former combatant under Ngaruye's command witnessed the severe beating of one recruit who attempted to flee.

c) Another former M23 combatant witnessed how rebel commanders shot dead four defectors after they were apprehended near Rugari.

d) At the training camp at Chanzu, one deserter observed the public execution of another recruit who had attempted to flee.

Former M23 combatants, as well as local leaders from M23-controlled areas, told the Group that RDF soldiers return to the DRC M23 soldiers of Rwandan nationality who flee to Rwanda:

a) The RDF caught one former M23 soldier of Rwandan nationality, who attempted to flee to Rwanda at Kinigi, and brought him back to the rebels and then forced him to rape a girl in front of the others.

b) The RDF forced another M23 officer to dig the grave for seven Rwandan M23 soldiers whom the RDF had executed at Kinigi after having fled from to Rwanda.

c) Another soldier who escaped from Makenga's position, witnessed how RDF soldiers from Ruhengeri had brought back five young deserters, beat them with sticks, and buried them alive in front of the other M23 soldiers.

Since the M23-RDF taking of Bunagana on 6 July 2012, several M23 commanders have ordered the executions of FARDC officers and soldiers captured in combat. FARDC officers, including former CNDP officers as well as M23 soldiers, told the Group that Ntaganda and Makenga had ordered the summary execution of FARDC prisoners:

a) During the combat at Rumangabo on 24-25 July 2012, Makenga ordered the torture and execution of six captured FARDC soldiers.

b) M23 captured twelve other FARDC soldiers at Rutshuru during combat on those same dates, shot them in their legs and stabbed them to death in Runyoni.

c) M23 executed another FARDC soldier at the village of Rwankuba and an FARDC officer following combat at Bugina.

### C. Obstruction of the access to or the distribution of humanitarian assistance

Armed group activity and military operations have negatively affected the delivery of humanitarian assistance. Masisi and Rutshuru in North Kivu, Shabunda, Kalehe and Fizi in South Kivu and South Irumu, Ituri district in Orientale Province are most affected.

## Profiles of five senior M23 commanders

### General Bosco Ntaganda, alias "Terminator" or "Tango"

**Personal information**

- Ethnic Tutsi, born in 1973 at Kinigi
- Grew up in Nyamitaba, Masisi territory

**Military information**

| | |
|---|---|
| 1990 | Ntaganda joined the Rwandan Patriotic Army (RPA) and participated in the overthrow of Habyarimana's regime in 1994. |
| 1996 | He joined the Alliance des forces démocratiques pour la libération du Congo (AFDL). |
| 1999 | He joined Rassemblement Congolais pour la démocratie –Kisangani – Mouvement de libération (RCD-KML). |
| 2000 | He fought, alongside with the Ugandan army, in the clashes opposing the Rwandan and Ugandan armies in Kisangani. |
| 2001 | He received military training in Uganda. |
| 2002 | Ntaganda was arrested in Kinshasa after the Ugandan Government helped bring him and others to the Congolese capital. He was released at the end of year in a hostage exchange deal with Ituri based Chief Kahwa. |
| 2003 | Ntaganda became the Chief of Staff of the Union des patriotes Congolais (UPC) of Thomas Lubanga. |
| 2004 | Ntaganda was appointed as General in the Armed Forces of the DRC as part of a peace process. |
| 2006 | He returned to North Kivu and joined General Laurent Nkunda's Congrès national pour la défense du peuple (CNDP) and became CNDP's Chief of Staff. |
| 2009 | Ntaganda played an instrumental role in the arrest of Nkunda and the implementation of the peace agreements integrating CNDP into the FARDC. Subsequently, Ntaganda became the *de facto* second-in-command in charge of FARDC operations in the Kivus. |
| 2012 | He played an instrumental role in triggering the 1 April mutiny of former CNDP soldiers. |
| May 2012 | Overall commander of M23 and established in a position behind to Runyoni. |

**Background information**

Since the 2009 integration of the CNDP into FARDC, Ntaganda emerged as one of the most powerful military commanders in the eastern DRC. He appointed his loyal officers to strategic command positions and lucrative deployments and took advantage of his extensive powers to spearhead criminal networks involved in the illegal trade of natural resources, business rackets, and robberies. In November 2011, Ntaganda ordered his officers to impose votes for President Kabila's reelection and the election of CNDP candidates in Masisi territory.

On 1 November 2005, United Nations Security Council Committee designated Ntaganda as a sanctioned individual for violating the arms embargo on the DRC. Nevertheless, Ntaganda undertook extensive travel to neighboring Rwanda and maintained assets and bank accounts both in the DRC and Rwanda.

**Human Rights Record**

Ntaganda has an appalling human rights record. He is wanted by the International Criminal Court (ICC) for war crimes committed in Ituri, in 2002-2003. A sealed arrest warrant was issued against him in August 2006 and made public in April 2008. The ICC warrant refers, among others, to such charges as the recruitment of children and their involvement in hostilities as war crimes. On 13 July 2012, the ICC issued a second warrant of arrest against Ntaganda for war crimes, including murder, attack against the civilian population, rape and sexual slavery, pillaging, and crimes against humanity, such as murder, rape, sexual slavery, and persecution committed in Ituri.

| | |
|---|---|
| 2002 | Ntaganda was the instigator of the "self-defence" groups in Bunia, who engaged in killings of those belonging to ethnically "adverse" groups as such Lendu, Bira, and Nande, as well as non–Iturians in the areas of Mudzipela, Bigo I, II, III and Saio. On 7 and 8 August 2002 alone, these groups killed a total of 110 civilians. On 9 August, another 80 civilians, who had taken refuge at the Governor's residence, were killed by UPC forces under Ntaganda's command. |
| 2002-2003 | During the reign of the UPC in Bunia Ntaganda was directly involved in the abduction and killing of local personalities. In August and September alone, a total of 200 persons were abducted in Bunia. They have been missing since. Ntaganda is notorious for having executed several persons in Bunia, in front of eyewitnesses. |
| 2002 | Ntaganda ordered the illegal arrest, detention, and torture of the colleagues of Governor Eneko, following the Governor's death in December 2002. |
| 2002 | Ntaganda had a commanding role in the UPC attack on the APC in Mongbwalu, on 20-24 October 2002, during which civilians were directly targeted. Civilian deaths are estimated to have numbered over 200. Many other civilians were taken captive, tortured and killed in military camps. |
| 2003 | Ntaganda commanded the operation *Chikana Namukono* from 18 February to 3 March 2003, in villages between Lipri and Nyagaraye. As a result of the operation, at least 350 civilians were killed, 26 villages were destroyed, and the offices of Kilo Moto and the biggest hospital in the region were systematically looted. |

| | |
|---|---|
| 2003 | Ntaganda participated in the attacks of Bunia in March and May 2003, against the UPDF. During the attacks, Lendu and non-Iturian civilians were killed by UPC troops. In May 2003 alone, a total of 260 civilians were killed. |
| 2004 | As UPC Chief of Staff, Ntaganda was responsible for a number of attacks against MONUC, including an ambush that resulted in the death of a MONUC MILOB near Mandro on 12 February 2004. Several other UPC attacks and ambushes were carried out against MONUC, such as those on the MONUC Brigade near Fataki in June and November 2004 and others in Nizi in September, October and November 2004. These attacks include the ambush of a MONUC convoy near Iga Barrière in October 2004 and the attack of the DCR transit site in Nizi. |
| 2005 | Ntaganda ordered the burning of shops and houses around the Berunda Market on 6 June 2005. Ntaganda delivered a warning to the local population not to collaborate with MONUC or the FARDC. |
| 2002-2003 | During his time with the UPC, ample evidence exists to show that Ntaganda is responsible for conscripting and enlisting children (under 15 years of age) and using them to actively participate in hostilities. In 2002, he used children under 15 in Mandro, Bunia and on the front line in Zumbe against the Lendu. In July 2002, two boys, aged 15 and 16, were recruited forcibly by Commander Kahwa's soldiers in Watsa and were brought by a truck for training in Mahagi under Ntaganda. |
| 2008 | He was the CNDP Chief of Staff and Operations Commander for Rutshuru axis and bears overall responsibility for the massacre of over 100 civilians on 5 November. |

**Colonel Sultani Makenga**

**Personal Information**

- Ethnic Tutsi, born in Nyanzale, Rutshuru territory on 25 December 1973
- Grew up in Mpati, Masisi territory

**Military career**

| | |
|---|---|
| 1992-93 | Makenga joined the RPA. |
| 1996 | He joined the AFDL. |
| 1997 | He mutinied from the AFDL and was arrested by GoR. |
| 1999 | He joined the RCD-Goma as a Captain and was subsequently promoted to Major. |
| 2003 | Makenga officially joined the newly created FARDC. |
| 2006 | Makenga refused "brassage" and re-deployment outside of the Kivus. |
| 2007 | Makenga took part in a "mixage" process and became Bravo brigade commander. |
| 2007-2008 | He deserted the FARDC and joined the CNDP as Rutshuru commander and Bosco Ntaganda's deputy in charge of operations. |
| 2009 | Makenga joined the FARDC and on 17 February 2009 and was named deputy commander in charge of intelligence and operations for Kimia II operations in South Kivu. |
| 2010 | Makenga's rank of full Colonel was officially recognized on 31 December 2010 and his command position was retained for Amani Leo operations in South Kivu. |
| May 2012 | After refusing to take part in Amani Kamilifu operations against the FDLR in South Kivu, Makenga stopped attending FARDC meetings in January and later deserted the FARDC on 4 May. From Rwanda, he was named the military commander of M23 based at Runyoni, North Kivu on 6 May. |

**Background information**

In late 1997, when GoR officers ordered all Congolese Tutsis to return to Rwanda, Makenga took part in a mutiny which led to his arrest and imprisonment on the Rwandan island of Iwawa for several years. The GoR later freed him and re-deployed him as part of the RCD.

Makenga became the third highest ranking officer amongst the CNDP rebels following Ntaganda and Nkunda. Makenga crossed into Rwanda on 22 January 2009 and was present when the GoR arrested CNDP Chairman Laurent Nkunda. Upon return to Rutshuru, Makenga discussed with other senior CNDP officers how to mount operations against the Rwandans, though the RDF deployment in the

Kivus to implement Umoja Wetu operations against the FDLR made this impossible, forcing him to join the FARDC. Internal tensions between Ntaganda and Makenga-led wings of the CNDP ensued.

Upon taking up his command post in South Kivu, Makenga oversaw the illegal exploitation of natural resources in Shabunda territory through the independent 51st sector which took orders directly from him.[109] Throughout 2010, Makenga and his loyal officers were widely suspected of communicating regularly with Rwandan political dissidents General Kayumba Nyamwasa and Colonel Patrick Karegeya.[110] In June 2010, Makenga provided weapons to the Forces républicaines fédéralistes (FRF) in South Kivu.[111] In mid-2010, Makenga also participated in the organization of a bank robbery in Bukavu with Rwandan nationals. After a court ruling in April 2011, Makenga deployed troops to the Kavumu airport to attempt to stop the transfer to Kinshasa of those found guilty.

Despite targeted assassinations by Ntaganda and certain RDF figures against several of his loyal officers, Makenga reconciled with Ntaganda in late 2010 to collectively resist re-deployment out of the Kivus. Throughout 2011, Makenga defied efforts by Government authorities to verify stockpiles under his command.[112] Makenga also refused to allow the FARDC to register ex-CNDP weapons arguing that the government had not issued them. Furthermore, Makenga instructed ex-CNDP officers not to accept the EUSEC-issued ID cards and refused to allow his 80 bodyguards to take part in an army reform process through the creation of regiments.

As of July 2011, Makenga began purchasing weapons from Rwanda and Uganda to build up large stockpiles in his home in Bukavu's Nguba neighborhood and at Nyamunyoni camp near Kavumu airport.[113] In January 2012, Makenga supported the CONSUP mutiny in Bukavu which was aimed to start an uprising against President Kabila following flawed Presidential elections.[114]

In April 2012, Makenga backed the FARDC mutiny in Fizi and Uvira territories and awaited its arrival to Bukavu to take control of the regional capital.[115] Makenga agreed to work with the GoR after the latter re-assured him that it would free Nkunda during a new rebellion.

**Human Rights Record**

2003 Makenga was the RCD commander in the area of Pinga where during the month of January, his troops burned hundreds of homes and more than 60 victims of execution were identified, including children, elderly people and people with disabilities.

2007 He was identified in the report of the SRSG for Children in Armed Conflict as the CNDP Commander bearing most responsibility for child recruitment amongst the rebel ranks.[116]

2007 As Commander of the FARDC's Bravo Brigade, Makenga was the commander of soldiers who committed dozens of summary executions in Rutshuru territory from July to September, in addition to the massacre of fifteen civilians in Buramaba on 9-10 March following accusations that the village collaborated with the FDLR.

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109 Paragraph 226, S/2010/596
110 Paragraph 164, S/2010/596
111 Paragraphs 69-70, S/2010/596
112 Paragraph 571, S/2011/738
113 Paragraph 118 & Annex 37, S/2012/348, Paragraph 10, S/2012/348.Add.1
114 Paragraph 128, S/2012/348, Paragraphs 44-45, S/2012/348/Add.1
115 Paragraphs 73-81, S/2012/348
116 Paragraph 23 & 28, S/2007/391

2008 The Group of Experts identified Makenga as bearing overall command responsibility for the recruitment and use of child soldiers.[117]

2010 Makenga ordered troops to intervene in a land conflict near Minova, leading to one death and three people injured.[118]

2012 Since he became the operational commander of M23, Makenga has ordered the execution of prisoners of war and fleeing recruits. He has also overseen the forced recruitment of adults and children. As coordinator of operations with other allied armed groups, Makenga ordered Raia Mutomboki's attacks in Masisi territory in late August 2012, burning over 800 homes and killing hundreds of civilians.

[117] Paragraph 168, S/2008/773
[118] Paragraph 276, S/2010/596

**Colonel Baudouin Ngaruye Mpumuro**

**Personal Information**

- Ethnic Tutsi, born in Lusamambo, Lubero territory
- Grew up in Mpati, Masisi territory

**Military career**

| | |
|---|---|
| 1992-93 | Ngaruye joined the RPA |
| 1996 | He joined the AFDL |
| 1998 | He joined the RCD-Goma |
| 2005 | He joined the CNDP |
| 2009 | He integrated into the FARDC with the rank of full colonel. Ngaruye was the deputy commander of FARDC Amani Leo Zone Ops 2, based in Mushaki, Masisi territory. |
| 2011 | During the regimentation process Ngaruye became the commander of FARDC Sector 3 controlling Masisi. |
| April 2012 | Ngaruye has been the second in command behind the 1 April FARDC mutiny in Masisi, following which FARDC command decided to redeploy him to South Kivu. Ngaruye refused redeployment and rejoined the mutineers in Masisi. |
| May 2012 | Ngaruye joined Makenga just before the creation of M23 and became Makenga's deputy, in charge of M23 operations. He was mostly based at Rutshuru. |

**Background information**

Since the 2009 CNDP integration into the FARDC, Ngaruye surfaced as a close ally to Ntaganda, although he did not cut his ties with Makenga and the rest of the Nkunda wing. During the 2011 elections, acting under Ntaganda's orders, Ngaruye deployed his officers and soldiers to force the population in Masisi territory to vote for President Kabila and CNDP candidates. Ngaruye took advantage of his close ties to Ntaganda to obtain a senior position in FARDC and derive large profits from mineral exploitation at Walikale and land ownership in Masisi.

**Human Rights Record**

2008 Ngaruye was accused of being amongst the commanders who ordered the killings at Kalonge in January.

2009 Acting under direct orders of Ngaruye, Lieutenant Colonel Zimurinda's soldiers brutally killed dozens of civilians, including women and children, while operating at Shalio, Walikale territory, during FARDC Kimia II operations.

One former CNDP soldier who participated to the operation overheard how Ngaruye gave orders through the radio to Zimurinda, saying that he wanted "no survivors."

2010 Soldiers acting under the orders of Ngaruye had forcefully engaged in a violent wave of land expropriations in Masisi territory, including killing and raping civilians to drive them from their land.

2010 Soldiers acting under the orders of Ngaruye forcibly recruited dozens of young men and children in the Kitchanga area, in Masisi.

2012 During clashes between FARDC and mutineers in Masisi, Ngaruye personally recruited over 100 young men and children to join the mutineer's operations.

2012 Since May, Ngaruye has ordered the summary execution and torture of recruits who attempted to surrender from M23.

**Colonel Innocent Zimurinda**

**Personal Information**

- Ethnic Tutsi, born in Ngungu, Masisi territory

**Military career**

| | |
|---|---|
| 1991 | Zimurinda joined the RPA |
| 1996 | He joined the AFDL |
| Early 1999 | He accompanied Bosco Ntaganda to Uganda |
| 1999 | He joined, together with Ntaganda, RCD-KML<br>He joined the UPC in Ituri |
| 2006 | Zimurinda joined CNDP |
| 2009 | Zimurinda was integrated in FARDC. He was first Lieutenant Colonel, Commander of FARDC 231st Bde and was subsequently promoted to full Colonel and became 23rd FARDC Sector commander. In 2010, he became 22nd FARDC Sector commander in Kitchanga. |
| 2011 | During the regimentation process, Zimurinda was 811 regiment commander in Kitchanga. |
| April 2012 | After being one of the driving forces behind the 1 April mutiny in Masisi, Zimurinda continued the mutiny together with Ntaganda, regardless of the redeployment of most of his regiment to Kananga. |
| May 2012 | Zimurinda joined the M23 and became Sector commander in the new rebellion. He was lately based at Nyabikona and Rubare. |

**Background information**

Zimurinda is Ntaganda's closest ally. Enjoying the General's protection, Zimurinda rose quickly in rank in the FARDC since the 2009 integration and commanded lucrative deployments in Masisi territory, despite his horrific human rights record. Zimurinda did not appear in the 2010 FARDC "General Order," nominating integrated officers into the FARDC, but continued nevertheless to exercise his functions as an FARDC officer.

During his time in FARDC, Zimurinda's troops safeguarded Ntaganda's private weapons stocks and "shadow battalions." Taking advantage of his FARDC position, Zimurinda also wielded extensive power in Masisi territory, where he derived revenues from mining, timber, charcoal, cattle, cannabis, land, and illegal taxation.

Zimurinda was designated for sanctions on 1 December 2010.

**Human rights record**

***Large-scale killings of civilians***

2007 On 9-10 March, the 2nd Battalion of Mixed Bravo FARDC Brigade, commanded by Zimurinda, has been responsible for the killing of at least 15 civilians in Buramba, Rutshuru territory.

2007 Aside of Buramba massacre, soldiers of the 2nd Battalion of Bravo Brigade have been responsible for the arbitrary/summary execution of at least 32 civilians in Rutshuru.

2008 On 5 November, a CNDP Battalion acting under the orders of Zimurinda systematically killed over 100 civilians during a 'door to door' raid in Kiwanja, Rutshuru territory.

2009 28 April, troops of 23rd FARDC Sector operating under the command of Zimurinda at Shalio executed dozens of civilians under explicit orders of Zimurinda to kill all Hutus.

2010 Ex-CNDP soldiers patrolling near Remeka arbitrarily executed 13 Rwandan Hutu civilians (10 men, 2 women, and one baby), following orders of Zimurinda.

2012 Since May, Zimurinda ordered the execution of soldiers who attempted to flee from M23. One former M23 officer stated that Zimurinda "kills his own escorts".

***Land expropriations***

Zimurinda has been behind numerous land expropriations in Southern Masisi, confiscating pasture land and mines for himself or for individuals close to him. In 2009, soldiers acting under Zimurinda's orders forcibly occupied land in Ngungu, Kasake, Kamatale, Kavumu, Hanika, Bibatama, and Humule, and his troops committed such acts as rape, torture, and arbitrary arrests in order to drive civilians off from their land. In 2011, Zimurinda sent a battalion to provide security for the organized forced resettlement of populations led by Erasto Ntibaturana at Bibwe.

***Forced labor***

Zimurinda obliged villagers to carry out labor on his grounds and plantations, as well as on confiscated land. Throughout 2009, Zimurinda also forced civilians to cut and transport wood and to dig in mines on his behalf in Ngungu, Kasake, and Kamatale. Some laborers died because of the harsh conditions.

***Child recruitment***

Zimurinda has been forcibly recruiting young men and minors throughout his time with the FARDC. The UN documented cases of child recruitment by Zimurinda in 2009 in Ngungu and in 2010 in schools in Kitchaga. More recently, Zimurinda has continued to recruit children on behalf of M23.

**Colonel Innocent Kaina, alias "India Queen"**

**Personal information**

- Ethnic Tutsi, born in Bunagana, Tutshuru territory
- Grew up in Tanzania where his father had businesses

**Military career**

| | |
|---|---|
| 1988 | Kaina was first recruited together with General Bosco Ntaganda by the National Resistance Army (NRA) led by current Ugandan President Yoweri Museveni. |
| 1988/1989 | He underwent one year military in Uganda at Kasese and Mbarara. |
| 1992 | He joined Front Patriotique Rwandais (RPF) and received training in Uganda, prior to RPF deployment into Rwanda. |
| 1995 | He followed commando training at the Gako Military Academy in Rwanda. |
| 1996 | He joined AFDL. |
| 1998 | He joined General Bosco Ntaganda who then started to work with the RCD-KML, with the support of Uganda |
| 2000 | He fought together with Ntaganda against Rwandan troops in Kisangani |
| 2003 | He worked alongside with Ntaganda in UPC in Ituri |
| 2005 | Kaina arrived in North Kivu, where he joined CNDP. He was sent back to Ituri under instructions of Laurent Nkunda with the aim of creating links with Rwandophone Brigades in Ituri and disturbing the electoral process |
| 16 May 2006 | He was captured and arrested by FARDC and transferred to Kinshasa |
| 2006 -2009 | Kaina was detained at the CPRK Prison in Kinshasa |
| January 2009 | He was released in relation to the 2009 Peace Agreement between CNDP and the Government, and upon the special request of Ntaganda. He became the commanding officer of Sector 22 in Kitchanga, then the Sector 21 commander in Walikale. |
| 2011 | During the regimentation process, Ntaganda imposed Kaina as the commander of 805th Regiment based in Rutshuru |
| 1 April 2012 | Kaina initiated the mutiny in Rutshuru, but after it failed, he fled to Rwanda and then joined Ntaganda in Masisi |

| | |
|---|---|
| May 2012 | Since the creation of M23, Kaina became a Sector commander and has mostly been deployed at Bukima hill or in Rugari, alongside with former FDLR Mandevu. |

**Background**

A close ally and collaborator of Ntaganda since his time in Ituri, Kaina largely benefitted of the 2009 integration process. During his time at Kitchanga, Kaina engaged in timber trade, and at Walikale, Kaina exploited gold at Omate mine.

**Human rights record**

| | |
|---|---|
| 2002 | As one of the senior military commanders of the UPC militia in 2002, he has been involved, either as direct perpetrator or as bearing command responsibility in the attacks against the civilian population in Bunia (August 2002) and the massacres of Songolo (31 August 2002) and Mongbwalu (November 2002). |
| 2003 – 2005 | An arrest warrant against him was issued on 5 April 2005 and he was arrested on 16 June 2006 and transferred to Kinshasa. A 27 July 2007 decision (*ordonnance*) of the Garrison Military Tribunal of Kinshasa held Kaina responsible for crimes against humanity committed in the District of Ituri, Province Orientale, from May 2003 to 1 December 2005. He was released in January 2009. |
| 2009 | Kaina bears direct command responsibility for summary executions, abductions, and arbitrary arrests in Kitchanga area, Masisi territory, North Kivu. |
| 2010 | He was among the ex-CNDP officers who forcibly released Colonel Yusuf Mboneza form the Military Prosecutor's Office in Goma, North Kivu (August 2010). |
| 2012 | Kaina has been responsible of child recruitment for M23. |

## Annex 57

### Further information on the recruitment and use of child soldiers by armed groups in the eastern DRC.

According to MONUSCO sources, children rights activists and government authorities in South Kivu, the Raia Mutomboki uses the highest number of child soldiers amongst armed groups in the eastern DRC. Estimates range from 800 to 1000 children during the Group's current mandate. The number of recruited children rose since the spread of the Raia Mutomboki to North Kivu. The Raia Mutomboki have recruited children either forcefully, or as part-time soldiers, with the acquiescence of their families. The forced recruits remain permanently with the armed group.[119] The Group spoke with two children of the ages of 13 and 15 years, who had escaped from the Raia Mutomboki, in Chulwe, Walungu territory. According to the children, they were forcefully recruited under the command of "Colonel Gaston" in March 2012, and trained for two weeks at Byandangi, in Walungu territoy.

Remnants of the FRF led by "Colonel" Richard Tawimbi also use children as soldiers. Their number of children used by FRF is estimated at 25. UN officials, parents of victims, former child soldiers as well as Congolese authorities informed the Group that children under FRF were recruited by "Colonel" Shaka Nyamusanda in Kajembe and "Major" Muhima in Kamombo, Minembwe groupement.

According to an arrested member of ALEC, Muhoza has sought to recruit Banyamulenge youth throughout the Great Lakes region, including minors. The ALEC Statute stipulates that it is only prohibited to recruit children under the age of sixteen.

Other Congolese armed groups involved in child recruitment include:

- Mai Mai Mushombe recruited about 30 children
- *Forces Autodefense Legitime* (FAL), with an estimated 25 children recruited under the command and control of "Major" Moliere Mutulani[120]
- Nyatura with about 125 children recruited under command and control of "General" Bizagwira, based in Lumbishi area in South Kivu, according to three former Nyatura soldiers
- Mai Mai Mpekenya with about 21 children
- Mai Mai Kirikicho with about 92 children
- Mai Mai Aochi with about 50 children

The Group also documented cases of child recruitment by foreign armed groups. The Group interviewed several boys of between 12 and 15 years old formerly associated with FDLR. They had been recruited under the command of FDLR Captain Korobani Justin in June 2012 at Kikuku, Rutshuru territory. Former combatants also named FDLR Major Ruhambabazima, Captain Placide, Captain Kasereka and a certain Bravo and Bonane, as recruiters for the FDLR.

The Group also documented child recruitment cases in Province Orientale. The Group interviewed five girls and five boys between the ages of 12 and 15 years, who were recruited by FRPI in Southern

[119] S/2012/348 para 181
[120] S/2011/738 para 252

Irumu and served from 2007 to 2012. According to the children, their recruitment took place under the command and control of Colonel Rollanxe, Kisoro, Akenga and Kabhuli respectively in Janda, Mabili, Kombi and Aveba, in Ituri. The boys became soldiers while the girls served as concubines for the rebels. In August 2012, a 16 year old boy who had been forcefully recruited by *Mouvement pour la résistance patriotique au Congo* (MRPC) escaped during FARDC Operation Safisha.

# Annex 58

## Sales and puchases for GMC during January and May 2012 recorded by the Provincial Division of Mines in Goma.

### a) Sale of 80 tonnes of tin ore to Metachem from March to May 2012

**REPUBLIQUE DEMOCRATIQUE DU CONGO**

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE DES
MINES ET GEOLOGIE
B.P : 101 GOMA

Goma, le 15/05/12

N° DIVIMINES-GEO/ B.4-B.6/ 602/2012

A Monsieur le Chef de Division Provincial
des Mines et Géologie du Nord-kivu ;

Objet : Information/vente locale
Doss : G.M.C

Monsieur le Chef de Division,

Nous avons l'honneur d'approcher votre auguste autorité envue de vous mettre au courant des opérations de ventes locales des minerais/concentrés cassitérite entre les Entités de Traitement GMC et METACHEM.

Ci-dessous le tableau qui renseigne ces transactions :

| N° | Date | Qté vendue(kg) | Stock(kg) | Observation |
|---|---|---|---|---|
| 1 | 05/03/2012 | 25000 | 5000 | |
| 2 | 19/03/2012 | 30000 | 5000 | |
| 2 | 21/03/2012 | 5000 | 40000 | |
| 3 | 21/04/2012 | 5000 | 60000 | |
| 4 | 10/05/2012 | 15000 | 25000 | |
| | TOTAL | 80000Kgs | | |

Veuillez agréer, Monsieur le Chef de Division, l'expression de nos sentiments patriotiques.

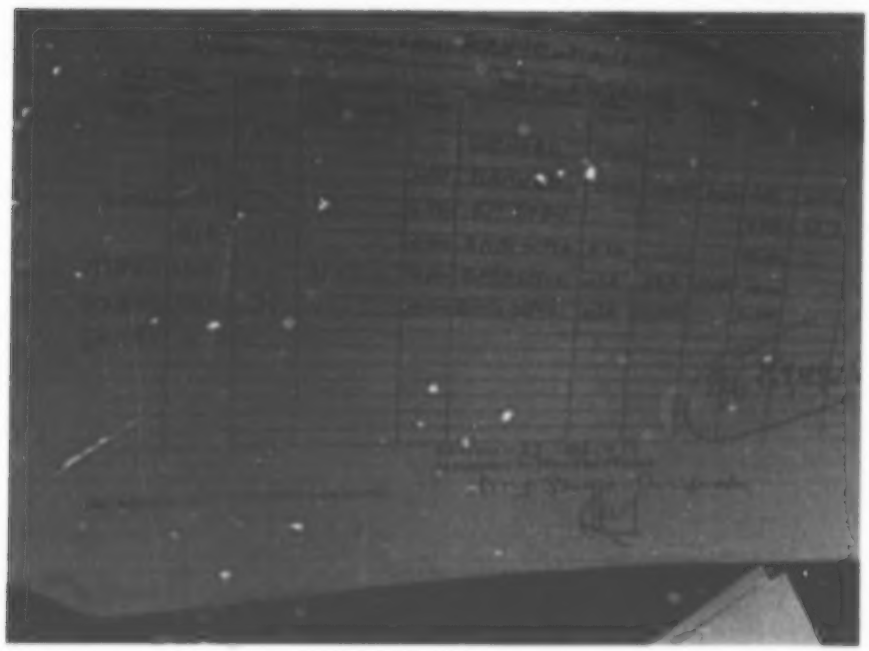
LE CHEF DE BUREAU ETUDE ET PLANIFICATION

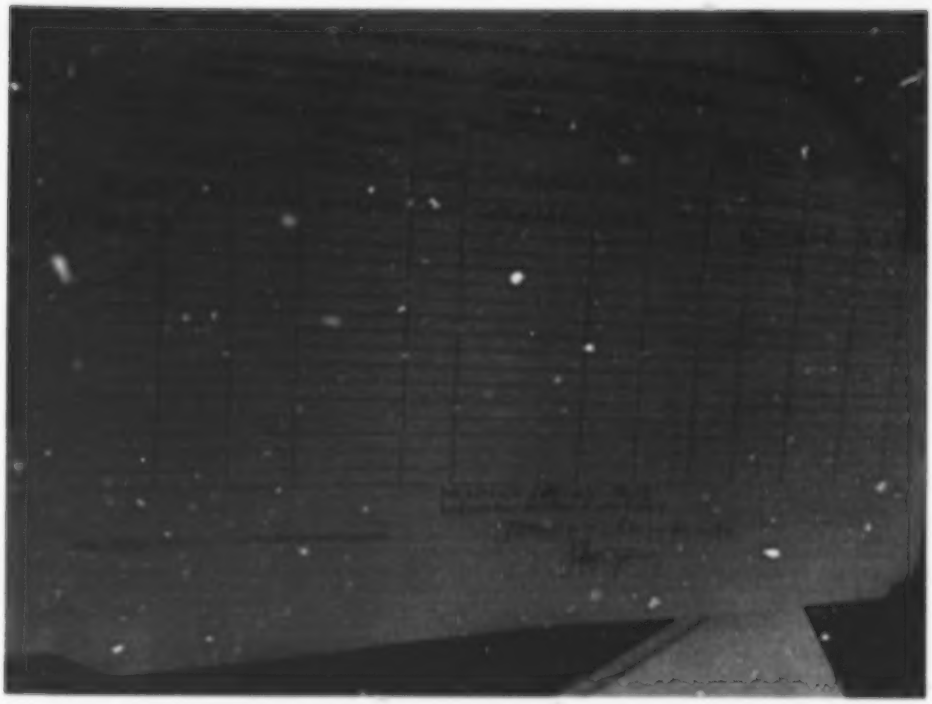
Bés MUDAGANDA KAGARABI

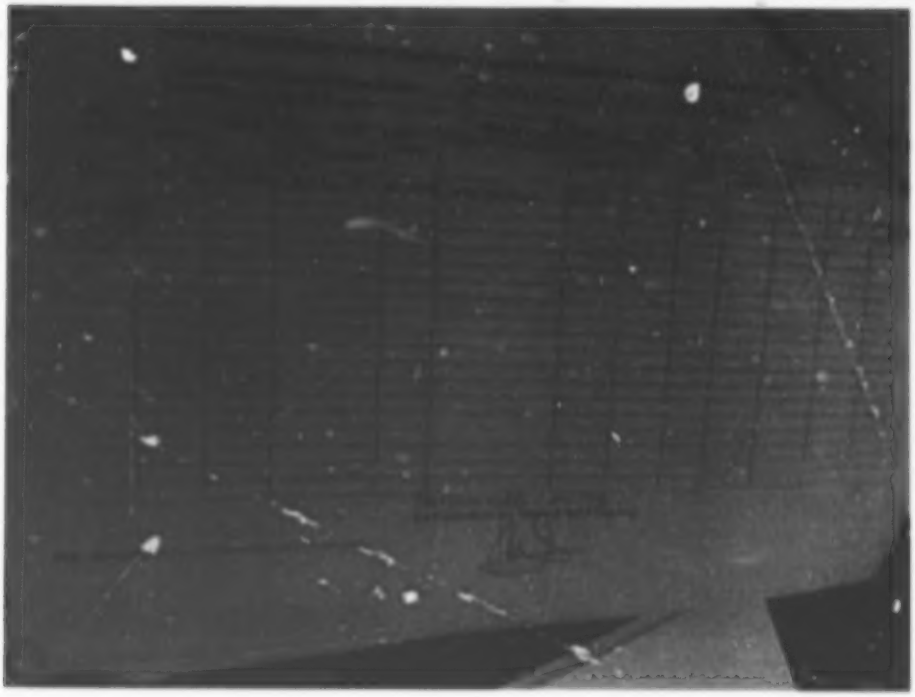
LE CHEF DE BUREAU INVESTIGATIONS

Joseph SEKAHUNDE - MUNYAMPETA

**b) Purchases of 146 tonnes of tin ore registered for GMC from January to May 2012**







## Annex 59

**Extract of identified numbers from General James Kabarebe's telephone communications from April to July 2012, according to Congolese authorities.**

*Calls made:*

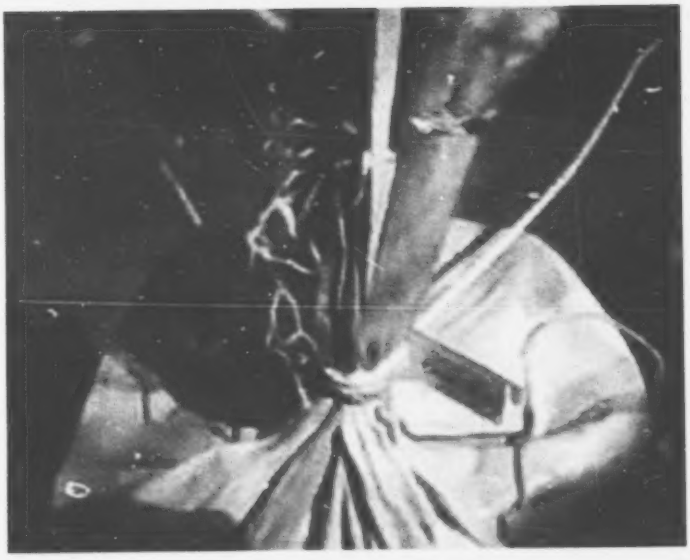
| |
|---|
| Colonel Bernard Byamu |
| Colonel Innocent Kaina |
| Clémence Rwiyereka Mikamo |
| Chantal Mumbulu |
| Rwandan Ambassador in the DRC |

*Calls received:*

| |
|---|
| Clémence Rwiyereka Mikamo |
| Rwandan Ambassador in the DRC |
| Chantal Mumbulu |

## Annex 60

**Photos of two of the six tags issued to ALPHA MINERALS that were used to launder Congolese minerals.**



## Annex 61

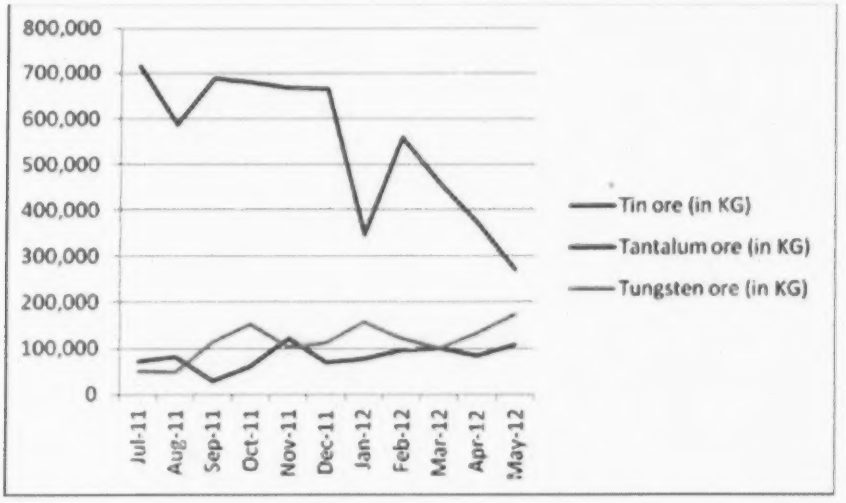
**Unused Rwandan mineral tag in the possession of a Congolese smuggler and issued to TUHAGERE cooperative.**

## Annex 62

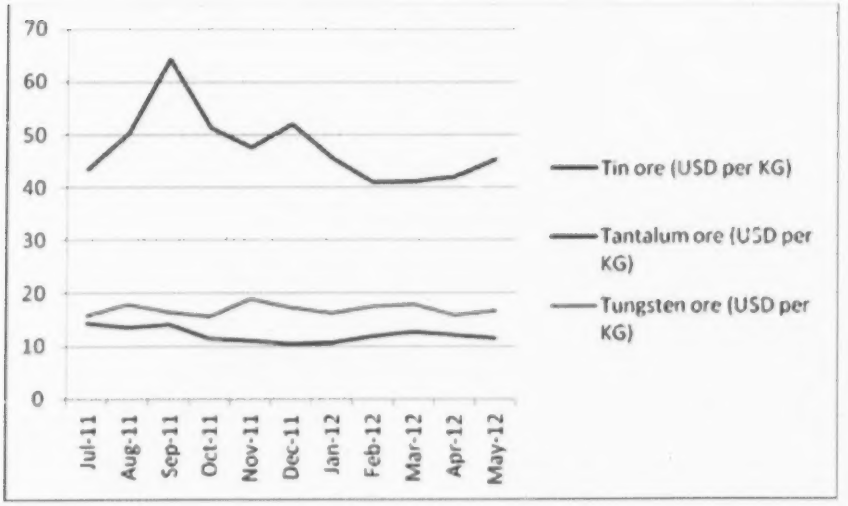
**Photo of the inactive EPROCOMI mining concessions of Coko.**

## Annex 63

### Official 3T mineral exports from Rwanda from July 2011 to May 2012.

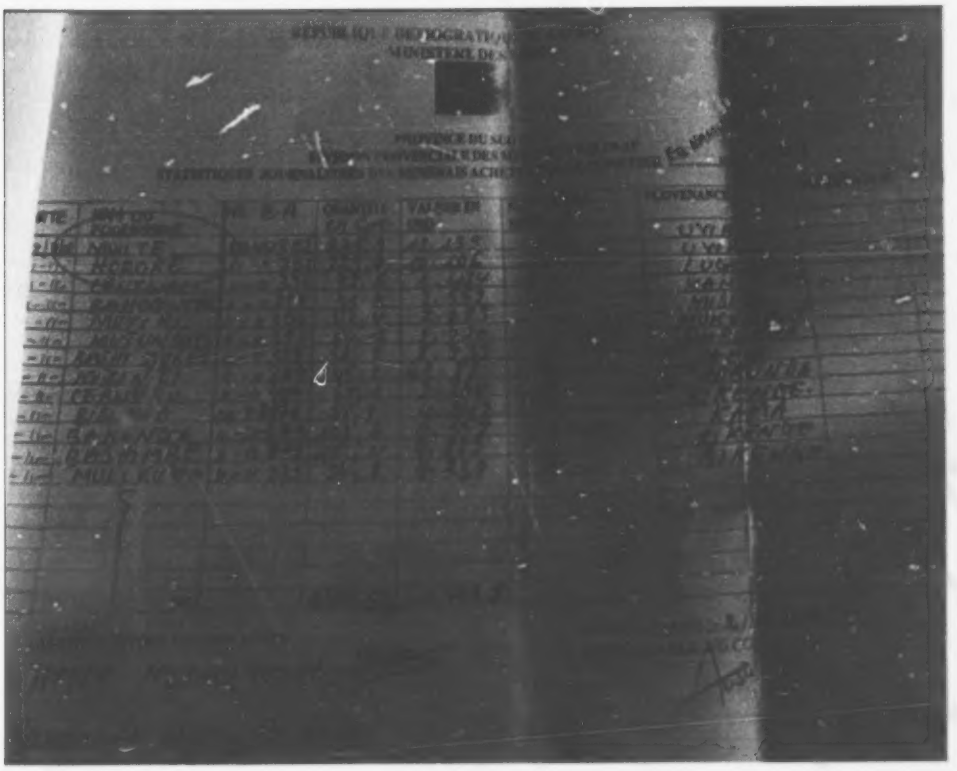



### Prices for Rwandan 3T minerals from July 2011 to May 2012



## Annex 64

**Official purchasing records of export house Namukaya of April 2012 showing Honoré and Mwite as suppliers of gold.**



# Annex 65

## Mineral exports from Burundi from January to August 2012.

| Nom du Comptoir | Redevance minière | Taxe ad valorem | Nbre Expo. | Quantités exportées |
|---|---|---|---|---|
| 1. NTAHANGWA s.p.r.l. (Or) | 13.579.488 FBU | 189.616.410 FBU | 54 Au | 958Kg Au |
| 2. CREATIVE AFRICA CENTER | 13.579.488 FBU | | | |
| 3. S.C.E.E.M.B (Or) | 13.843.749 FBU | 58.250.810 FBU | 32 Au | 280 Kg Au |
| 4. EAST AFRICAN MINING (EAM) | 13.723.006 FBU | 30.961.476 FBU | 12 Au | 151,734Kg Au |
| 5. OMNI DISTRIBUTION | 13.843.749 FBU | 3.460.346 FBU | 9 Au | 16,15769 Kg Au |
| 6. KORANISHAKA | 13.723.006 FBU | 8.419.997 FBU | 15 Au | 46,91 Kg Au |
| 7. WMP | 700.000 FBU | 27.695.394 FBU<br>112.627.163 FBU<br>135.045.332 FBU | 3 $SnO_2$<br>16 $WO_3$<br>5 Coltan | 68.966,1 Kg $SnO_2$<br>333.577,5 Kg $WO_3$<br>87.010 Kg Coltan |
| 8. Burundi Minerals Supply (BMS) (Bujumbura) | 700.000 FBU | 9.889.571 FBU<br>119.878.315 FBU | 2 $WO_3$<br>6 Coltan | 30.907 Kg $WO_3$<br>87.494 Kg Coltan |
| 9. BMS (Ngozi) | 700.000 FBU | | | |
| 10. SECOMIB | 400.000 FBU | | | |
| 11. MINERAL KINGDOM | 300.000 FBU | | | |
| 12. Ass. TWITEZIMBERE | 100.000 FBU | | | |
| 13. Ass. A.MA.KI | 100.000 FBU | | | |
| 14. Ass. KAZOZA KEZA | 6.871.088 FBU | | | |
| 15. Ass. TUGIRE UBUNTU | 6.789.744 FBU | | | |
| 16. WONDER RESOURCES | 700.000 FBU | | | |
| 17. ZIWA GOLD | 13.749.597 FBU | | | |
| 18.COMPAGNIE MINIERE REGIONALE | 6.995.850 FBU | | | |
| 19.Ass. KORERA HAMWE | 6.995.850 FBU | | | |
| 20.Ass. DUFATANEMUNDA | 6.995.850 FBU | | | |
| 21. Ass. DUKORANE UBUNTU | 6.906.304 FBU | | | |
| 22. Ass. DUFATANEMUNDA | 6.906.304 FBU | | | |
| 23. GOLDEN GOLD | 13.843.749 FBU | 1.848.211 FBU | 3Au | 11,362 Kg Au |
| 24. ARES GROUP | 700.000 FBU | 9.962.979 FBU | 2 $WO_3$ | 30.030 Kg $WO_3$ |
| 25. BURUNDI MINING s.a. | 300.000 FBU | 19.565.629 FBU | 1 Coltan | 9.102,6 Kg Coltan |
| 26. CEMB | 100.000 FBU | | | |
| 27. CEMB | 100.000 FBU | | | |
| 28. CEMB | 200.000 FBU | | | |
| 29. Ass. DUFATANEMUNDA | 100.000 FBU | | | |
| 30. Ass. RAFADE | 100.000 FBU | | | |
| 31. CEMB | 100.000 FBU | | | |
| 32. Ass. TWIKENURE | 7.265.259 FBU | | | |
| 33. SECOMIB | 100.000 FBU | | | |
| 34. SECOMIB | 100.000 FBU | | | |
| 35. SYNERGY AFRICA | 700.000 FBU | | | |
| 36. Ass. TWISUGANYE | 7.265.259 FBU | | | |
| 37. Ass. TUGRWANYE UBUNEBWE | 100.000 FBU | | | |
| 38. Ass. TUGRWANYE UBUNEBWE | 100.000 FBU | | | |
| 39. SECOMIB | 100.000 FBU | | | |
| 40. Ass ABISHIZEHAMWE | 100.000 FBU | | | |
| 41. CEMB | 200.000 FBU | | | |
| 42. Ass. TWISUGANYE | 200.000 FBU | | | |
| **Total** | **179.977.340 FBU** | **727.248.633 FBU** | **125 Au**<br>**20 $WO_3$**<br>**12 Coltan**<br>**3 $SnO_2$** | **1.464,16369 Kg Au**<br>**394.534,5 Kg $WO_3$**<br>**174.504 Kg Coltan**<br>**68.966,1 Kg $SnO_2$** |

# Annex 66

## Internal communication of the Burundian police referring to $3.2 million involved in the gold transaction of Mutoka Ruyangira via Mendapara Vipulvajibhi and Patel Amit Babulai.

**TRES IMPORTANT.**

CHERS COLLEGUES,

SUITE A L'URGENCE DE LA DEMANDE D'EXTRADITION DES 2 SUSPECTS RECHERCHES PAR LA POLICE BURUNDAISE. PRIERE NOUS COMMUNIQUER SI POSSIBLE D'URGENCE LES RESULTATS DE NOTRE DERNIERE DEMANDE.

CHERS COLLEGUES, L'URGENCE OBLIGE COMME CONVENU.

TRES FRANCHE COOPERATION, FIN

NCB BUJUMBURA

| | |
|---|---|
| REFERENCES N° | 221 P / BI.T. / 130 / 2012 |
| EXPEDITEUR | IP BUJUMBURA |
| DESTINATAIRE | IP NIAMEY |
| DATE | 06 JUILLET 2012 |
| IMPORTANCE | HAUTE |

LE COMMISSAIRE GENERAL DE LA POLICE JUDICIAIRE
A
MONSIEUR LE DIRECTEUR DE LA POLICE JUDICIAIRE

OBJET : INTERPELLATION DE DEUX RESSORTISSANTS INDIENS RECHERCHES PAR LE BCN BUJUMBURA POUR ABUS DE CONFIANCE PORTANT SUR LA SOMME DE 3.200 000 USD

FAISANT SUITE A VOTRE DERNIER MESSAGE DANS LEQUEL VOUS NOUS DEMANDIEZ DE BIEN VOULOIR VOUS FAIRE PARVENIR UNE DEMANDE D'EXTRADITION DES MIS EN CAUSE ET D'INFORMER LES AUTORITES JUDICIAIRES DE NOTRE PAYS POUR ENTAMER LA PROCEDURE D'EXTRADITION VIA LE MINISTERE DES AFFAIRES ETRANGERES , J'AI L'HONNEUR DE VOUS ENVOYER EN ATTACHE AU PRESENT MESSAGE, « LA NOTE VERBALE ENVOYEE OFFICIELLEMENT PAR LE MINISTRE DES RELATIONS EXTERIEURES ET DE LA COOPERATION INTERNATIONALE DE LA REPUBLIQUE DU BURUNDI A

MONSIEUR LE MINISTRE DES AFFAIRES ETRANGERES DE LA REPUBLIQUE DU NIGER A NIAMEY.

MONSIEUR LE DIRECTEUR, NOUS RETTERONS L'URGENCE DE NOTRE DEMANDE AFIN QUE L'AFFAIRE CONNAISSE UNE ISSUE ON NE PEUT PLUS RAPIDE ET CE POUR L'INTERET DE LA JUSTICE ET LA REUSSITE AGISSANTE DE LA COOPERATION POLICIERI INTERNATIONALE.

NOS SINCERES REMERCIEMENTS POUR L'HABITUELLE FRANCHE ET BONNE COOPERATION.

LE COMMISSAIRE GENERAL DE LA POLICE JUDICIAIRE.

[redacted]
OPCI
Mobile [redacted]
Office [redacted]
e-mail address: [redacted]

# Annex 67

## Extradition request by the Burundian Ministry of Foreign Affairs to its counterpart in Niger for Mendapara Vipulvajibhi and Patel Amit Babubhai.

REPUBLIQUE DU BURUNDI

Bujumbura, le 06/7/2012.

MINISTERE DES RELATIONS EXTERIEURES
ET DE LA COOPERATION INTERNATIONALE

N°204.04/ 0 19-C/RB/2012

NOTE VERBALE

Le Ministère des Relations Extérieures et de la Coopération Internationale de la République du Burundi présente ses compliments au Ministère des Affaires Etrangères de la République du Niger et a l'honneur de lui demander de bien vouloir transmettre à l'autorité compétente nigérienne, une requête en extradition des personnes répondant respectivement aux noms de MENDAPARA VIPULVALAJIBHI et PATEL AMIT BABUBHAI, poursuivies par la Justice Burundaise dans le dossier RMPG..n° 637 / BV du chef d'abus de confiance, infraction prévue et punie par les articles 294 à 296 du Code Pénal Burundais.

Lesdits présumés criminels sont actuellement gardés à vue par la Police Nigérienne dans le cadre de la Coopération Policière Internationale en matière de lutte contre la criminalité économique.

Le même Ministère prie l'Estimé Ministère des Affaires Etrangères de la République du Niger de trouver en annexe à la présente :

- Un mandat d'arrêt
- Un exposé sommaire des faits
- Un formulaire de demande de visa tenant lieu de copie de Passeport.

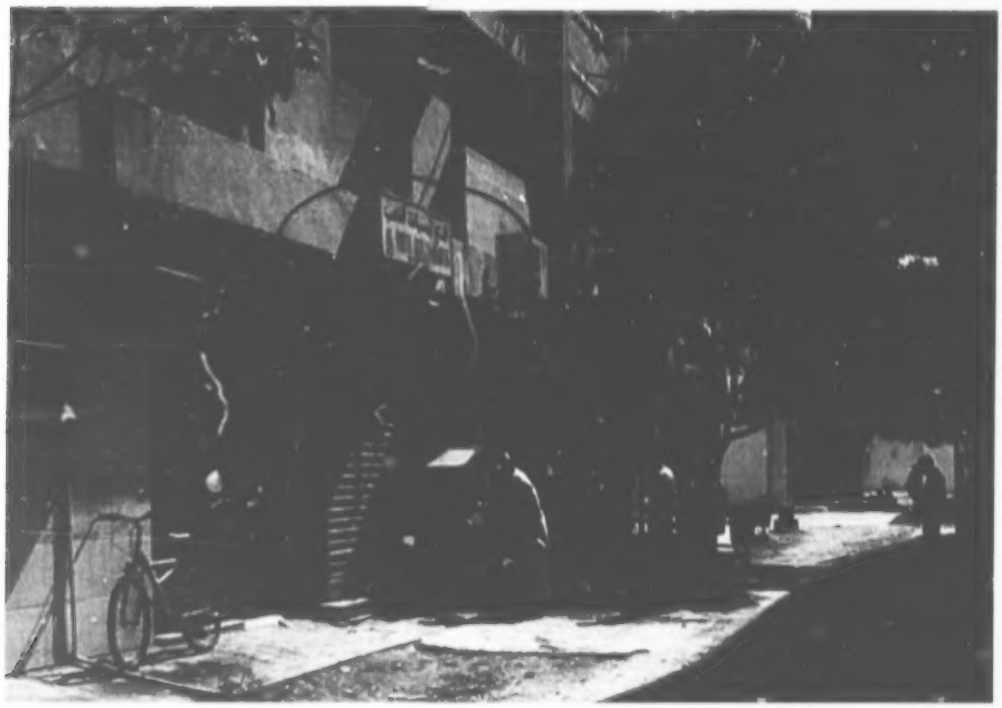
Le Ministère des Relations Extérieures et de la Coopération Internationale remercie d'avance le Ministère des Affaires Etrangères de la République du Niger pour sa diligence et saisit cette occasion pour lui renouveler les assurances de sa haute considération.

Bujumbura, le 06/7/2012

MINISTERE DES AFFAIRES ETRANGERES
DE LA REPUBLIQUE DU NIGER
A
NIAMEY

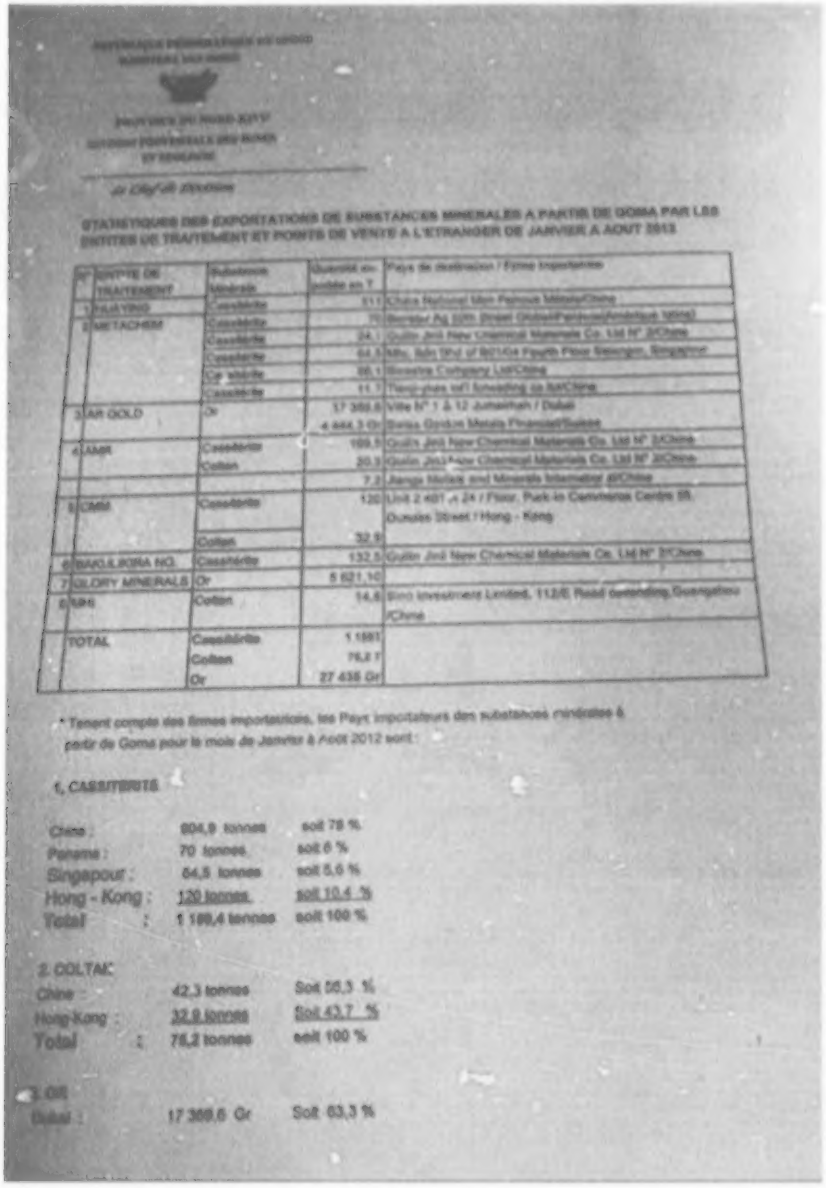
## Annex 68

**Al Fath Gold Smith in Shar-jah, United Arab Emirates, a trading partner of Mutoka Ruyangira and Rejendra Kumar.**



# Annex 69

## Mineral exports from North Kivu from January to August 2012.



PROVINCE DU NORD-KIVU
GOUVERNEMENT PROVINCIAL DES MINES
ET ENERGIE

Le Chef de Division

STATISTIQUES DES EXPORTATIONS DE SUBSTANCES MINERALES A PARTIR DE GOMA PAR LES ENTITES DE TRAITEMENT ET POINTS DE VENTE A L'ETRANGER DE JANVIER A AOUT 2012

| N° | ENTITE DE TRAITEMENT | Substance Minérale | Quantité exportée en T | Pays de destination / Firme importatrice |
|---|---|---|---|---|
| 1 | HUAYING | Cassitérite | 511 | China National Mon Famous Metals/China |
| 2 | METACHEM | Cassitérite | 70 | Bernstar Pg 10th Street Global/Panama/Amérique latine) |
| | | Cassitérite | 24,1 | Guilin Jinli New Chemical Materials Co. Ltd N° 3/Chine |
| | | Cassitérite | 64,5 | Mlle. Min Thd of 801/04 Fourth Floor Selangor, Singapour |
| | | Cassitérite | 66,1 | Bonastra Company Ltd/Chine |
| | | Cassitérite | 11,7 | Hong-yuan int'l forwarding co ltd/Chine |
| 3 | AR GOLD | Or | 17 360,6 | Ville N° 1 & 12 Jumeirhah / Dubaï |
| | | | 4 444,3 Gr | Swiss Gordon Metals Financial/Suisse |
| 4 | AMR | Cassitérite | 169,5 | Guilin Jinli New Chemical Materials Co. Ltd N° 3/Chine |
| | | Coltan | 20,5 | Guilin Jinli New Chemical Materials Co. Ltd N° 3/Chine |
| | | | 7,2 | Alanga Metals and Minerals International /Chine |
| 5 | CMM | Cassitérite | 120 | Unit 2 401 A 24 / Floor, Park In Commerce Centre 88, Ounoles Street / Hong - Kong |
| | | Coltan | 32,9 | |
| 6 | BAGALIKIRA NO. | Cassitérite | 132,5 | Guilin Jinli New Chemical Materials Co. Ltd N° 3/Chine |
| 7 | GLORY MINERALS | Or | 5 621,10 | |
| 8 | MH | Coltan | 14,8 | Bird investment Limited, 112/E Road Guangzhou, Guangzhou /Chine |
| | TOTAL | Cassitérite | 1 188,1 | |
| | | Coltan | 76,2 T | |
| | | Or | 27 438 Gr | |

* Tenant compte des fimes importatrices, les Payt importateurs des substances minérales à partir de Goma pour le mois de Janvier à Août 2012 sont :

1. CASSITERITE

| | | |
|---|---|---|
| Chine : | 804,9 tonnes | soit 78 % |
| Panama : | 70 tonnes | soit 6 % |
| Singapour : | 64,5 tonnes | soit 5,6 % |
| Hong - Kong : | 120 tonnes | soit 10,4 % |
| Total : | 1 189,4 tonnes | soit 100 % |

2. COLTAN

| | | |
|---|---|---|
| Chine : | 42,3 tonnes | Soit 56,3 % |
| Hong-Kong : | 32,9 tonnes | Soit 43,7 % |
| Total : | 76,2 tonnes | soit 100 % |

3. OR

| | | |
|---|---|---|
| Dubaï : | 17 360,6 Gr | Soit 63,3 % |

## Annex 70

**Red iron rich tin ore from Walikale (above) compared with black tin ore from Maniema (below).**

## Annex 71

### Risk of minerals from mines controlled by armed groups entering supply chains that are supposed to flows through the trading counters in Mugogo and Rubaya.

*Mugogo*

For the mine sites around Mugogo, the Group observed a particular risk of minerals from the non-validated mine of Lukoma being taken to Nzibira and declared as coming from the "green" mine of Zola Zola. Lukoma was not included in the validation mission. According to demobilised FDLR soldiers and diggers from Lukoma, local operators are illegally taxed on rotation by FDLR, Raia Mutomboki as well as FARDC soldiers. These sources told the Group that Bahizire Bikubanga purchases minerals from Lukoma in Nzibiara. Another mine not included in the validation is the tungsten ore mine of Karembo where, according to local authorities in nearby Tubimbi, FDLR demand rations from local operators in exchange of security guarantees.

*Rubaya*

For mine sites around Rubaya trading counter, the main risk is that minerals from the "yellow" mines of D6 Mufunzi and Lwizi can be brought to Ngungu and declared to come from the "green" mines of Bishasha. According to police authorities and civilians in Ngungu, FARDC Lieutenant Colonel Firigi Mazaire continued to have soldiers deployed in D6 Mufunzi to tax diggers. Moreover, the mine was pillaged by Nyatura soldiers in the beginning of August. In contrast, the risk of "red" and "yellow" mines of Katuunda, Tanzanie, Mpati entering the supply chain at Ngungu and then Rubaya is minimal because the minerals are evacuated through Walikale.

## Annex 72

### Updates on 3T due diligence initiative[illegible]de the Great Lakes region.

*Conflict Free Smelter programme*

The Conflict-Free Smelter (CFS) programme is a joint industry initiative launched in 2010 by the Global e-Sustainability Initiative (GeSI) and the Electronic Industry Citizenship Coalition (EICC), a US-based Association. To be eligible for a CFS audit refiners and smelters have to show evidence of due diligence as outlined in OECD and UN due diligence guidelines. The audit protocol, however principally refers to the Dodd-Frank Act. To pass an audit, smelters must provide documentary evidence they source from a "credible in-region sourcing program verifying their conflict-free sources" and demonstrate that all their purchased minerals are "reasonably" considered conflict-free.

By 16 August 2012 thirteen tantalum smelters and refiners had been awarded "conflict free" status.[121] According to the CFS programme website the "conflict free" Ninxia in China sources from Rwanda and North Katanga under the iTSCi bag and tag scheme. F & X in China also sources from North Katanga under iTSCi bag and tag scheme, part of a closed supply pipeline used by the Solutions for Hope program. In May 2012 the first tin smelter was found compliant, though the name is not listed until a minimum of three smelters have been found compliant.

*United States Securities and Exchange Commission final rule*

On 22 August 2012, more than a year after the expiration of the statutory deadline, the US Securities and Exchange Commission (SEC) published the final implementing rule accompanying section 1502 of the Dodd Frank act that was signed into law on 21 July 2010.

The rule requires publicly listed US companies using tin, tantalum, tungsten or gold to carry out a 'reasonable country of origin inquiry' to establish whether their minerals originate from DRC or adjoining countries. If the company knows that the minerals did not originate, or the company has no reason to believe that the minerals may have originated from the relevant countries or are from scrap or recycled sources, it is required to publicly disclose how it arrived at its determination.

Companies that are sourcing from the region, or have reason to believe that the minerals used in their products may have originated in the region, need to submit a Conflict Minerals Report to the SEC. This report must be independently audited and publicly disclosed. In preparing such report the final rule requires an issuer to rely on a nationally or internationally recognized due diligence framework, recognizing the OECD guidelines as the only framework available that may be used to determine the source and chain of custody of conflict minerals.

The SEC final rule revised its original proposal in that it adds an "undeterminable" category next to the "DRC conflict free" and "not DRC conflict free" determinations. Issuers are allowed to describe their products as 'undeterminable' for a period of two years, and four years for smaller firms, and, if they do so, do not have to undergo an independent audit of their report.

While the final rule recognises the OECD and by extension the UN Group of Experts due diligence framework, it has not integrated the process of risk mitigation in its determinations, which remain

[121] http://www.conflictfreesmelter.org

outcome oriented. Risk mitigation allows companies purchasing from mines where state security forces operate, to continue purchasing provided they have put in place strategies that can demonstrate improvement of the situation over a 6 month period, only to suspend purchases if no improvement was made.[122]

It remains unclear whether issuers' reliance on an OECD compliant in-region sourcing initiatives will automatically lead to a "DRC Conflict Free" determination, since such initiatives cannot provide 100 % assurances that no "conflict minerals" have entered the supply chain after having assessed and mitigated risk.

*European Union*

Although there is currently no initiative at EU level to work towards a mandatory disclosure requirement for sourcing minerals from conflict regions, EU's approach to supply chain transparency and linkages between natural resources and conflict is increasingly specified as part of EU Commission policies put forward by the Directorate General (DG) for Trade and Directorate General for Enterprise and Industry.

On 2 February the Commission adopted the EU Raw Materials Strategy, which was developed by DG Enterprise and Industry. The strategy sets out targeted measures to improve access to "critical" raw materials, such as tantalum, *inter alia*, through generating fair and sustainable supply chains of mined minerals, which includes tackling situations where resource revenues are used to fund conflict.

In January 2012 a DG Trade Communication further expresses the Commission's intention to 'explore ways of improving transparency throughout the supply chain, including aspects of due diligence', *inter alia* by advocating support for OECD due diligence recommendations and support to developing country partners on good governance in natural resources management. DG trade is currently looking at ways to support natural resources governance initiatives in the Great Lakes Region.

[122] In contrast, where risk of armed group involvement is identified, in which case companies should immediately suspend engagement with suppliers.

## Annex 73

### Updates on due diligence initiatives in the gold sector

*Democratic Republic of Congo*

In its final report of 2011 the Group concluded that no due diligence implementation in the Congolese artisanal gold sector had taken place. In 2012 this observation continues to be valid. Licensed export houses are responsible for only a fraction of total exports. It remains difficult to determine the origin of the officially exported gold because it is generally sold without any documentation.

The Group discussed due diligence implementation with export house Naumukaya in Bukavu. Its owner Evariste Shamamba told the Group that he sources 90% of his gold from Kamituga and Lugushwa, but that he cannot specify the exact mine locations. He also admitted to export the larger share of his gold illegally, due to high transaction costs when legally exporting gold. According to Mr Shamamba these costs amount to ten percent of the value of officially exported gold. Several payments come on top of the statutory one percent export tax, notably incentives to officials to obtain documents.

*Uganda*

In September 2012 Uganda Commercial Impex (UCI) submitted a due diligence proposal to the Group for consideration and feedback. The proposal describes how the company wished to reengage in the eastern part of the Democratic Republic of Congo, notably in gold mining areas in Oriental province where the risk of providing indirect support to armed groups through gold purchases is low compared to the Kivus. As part of its due diligence exercise UCI would establish an assessment team to, *inter alia*, periodically visit gold producing mines and trade hubs to identify dealers, sensitise them on their due diligence obligations, verify chain of custody documentation, and liaise with competent authorities to respond to a potential conflict risk.

In 2007 UCI was designated for sanctions and subsequently had been subject to a travel ban and asset freeze imposed by paragraph 1 and 15 of Resolution 1596 (2005). UCI has initiated a delisting procedure, which has thus far been unsuccessful. The Group notes that UCI is free to initiate a second procedure in case the company can transmit additional information to justify delisting. In this regard, the Group confirms that during its investigations in Ituri, North Kivu and Kampala it has found no evidence of gold dealers selling to UCI as a business entity or to its former directors Mr. J.V. Lodhia and his son Mr. Kunal Lodhia.

*United Arab Emirates*

In its interim report of 2012 the Group welcomed the April 2012 initiative of the Dubai Multi Commodity Centre to issue a practical guidance to assist DMCC licensed members within the UAE's gold and precious metals industry on the implementation of OECD guidelines on due diligence.[123] Since the issuing of the guidance the DMCC hosted several workshops to brief its licensed members, including refiners and jewelers, on the Guidance.

[123] Paragraph 160, S/2012/349

The Group interacted with Dubai Good Delivery List refiners during a visit to the DMCC in September. Refiners' representatives explained that they *a priori* refuse to source directly from the Great Lakes Region, and refuse scrap gold that contains a trace of impurities associated with mined gold to enter their refineries. When sourcing from jewelers in UAE gold souks, refiners demand invoices to check sources of supply of gold, again refusing any gold from unknown or unclear origin.

Such checks notwithstanding, refiners' representatives told the Group that stricter import controls are necessary to protect the UAE market from gold entering from conflict areas, suggesting that hand carried gold should be kept at customs until a certified dealer collects it. According to customs authorities the procedure to date is that those hand carrying gold in UAE must show a letter attesting that the person is an authorised carrier of a certified dealer in UAE, along with an invoice and a certificate of origin.

In turn, these documents are requested by small refiners in the UAE gold souks that smelt scrap bars, nuggets and dust to transform gold for the local jewelry market. The group visited one of the four smelters in Dubai's gold souk. Its manager confirmed to regularly receive gold from various African destinations for smelting. Falling outside DMCC jurisdiction, gold souk companies are not aware on their due diligence obligations with regard to gold from "red flag" locations.

*International*

On 17 September 2012 the Conflict Free Smelter (CFS) program, London Bullion Market Association (LBMA) and Responsible Jewellery Council (RJC) announced mutual recognition of their independent third party audits of refiners and their due diligence in conformity with OECD due diligence guidance. By 18 July, six gold refiners had been awarded "conflict free" status under the CFS programme. The LBMA guidance is mandatory for sixty-three LBMA Good Delivery gold refiners, compliance on which is reviewed annually by independent auditors. RJC members, including gold refiners, have to undergo mandatory audits in order to become or remain Chain of Custody (CoC) Certified. Three entities have so far individually achieved CoC Certification. None of the gold refiners audited under the different initiatives have a history of sourcing from the DRC or known transiting countries like Uganda and Burundi.

## Annex 74

### Methodology for the Group's socio-economic assessment of mining zones.

The Group conducted a series of semi-structured interviews, based on a series of standard questions, working with key informants, as well as focus groups in mining areas, covering a wide range of socioeconomic indicators. The Group visited the mining areas and towns of Bunia, Lubutu, Mubi/Bisiye, Butembo, Kindu, Rubaya, Goma, Nyabibwe, Lemera, Idjwi, Bukavu, Misisi, Kalemie and Lubumbashi. For those mining areas it was not able to visit, it gathered information from other sources knowledgable of the current context in those mining zones, or it relied on findings from visits during the previous mandate. Throughout its research the Group distinguished between four time periods: 1) the period before the government suspension of all artisanal mining activity in the Kivus and Maniema from September 2010; 2) the period during the suspension from September 2010 to March 2011; 3) the period following the lifting of the suspension; 4) and the period following the May 2012 suspension of main export houses Huaying and TTT.

Interviews focused first on mining-related indicators, such as export figures, production levels, prices, revenues and employment. Secondly, interviews focused on social indicators such as food prices, availability of health services, availability of merchandise, school enrolment and investments in mining communities. Thirdly, interviews discussed the security at mining sites, a precondition for any sustainable development.

In addition to interviews at the local level, the Group gathered relevant aggregated economic data at the provincial level and consulted existing research by humanitarian organisations.

## Annex 75

### Background information on Mai Mai Gedeon.

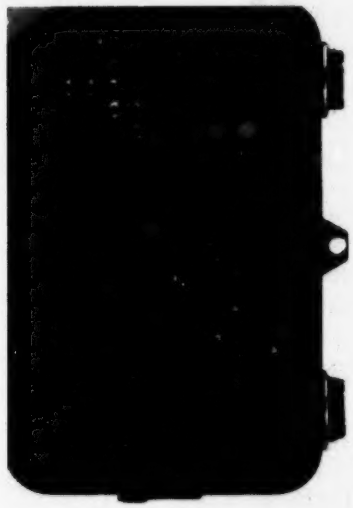
*Mai Mai Gédéon & Coordination pour le référendum et l'autodétermination du Katanga (CORAK)*

The alliance between the Mai Mai Gédéon and the independence fighters of CORAK has expanded its area of control which now includes parts of the territories of Mitwaba, Pweto, Moba, Manono and the Southern tips of Nyunzu and Kalemie, in Katanga province. It is unclear whether Gédéon retains a significant command position within the movement as he is not commanding the operations in Mitwaba.

The alliance continues to launch occasional attacks against FARDC positions and symbolic targets. In July 2012, CORAK attacked the Lubumbashi airport for the second time. In August, a group of Mai Mai Gédéon combatants attacked an FARDC arms depot in the strategically located town of Pweto. One of the main purposes of the CORAK/Gédéon attacks is retrieving weapons and ammunition. CORAK commanders claim that through these attacks, they seized a considerable amount of weapons and ammunition, sufficient to launch an operation against the provincial capital, Lubumbashi. They explained to the Group that captured weapons are transferred to Mai Mai Gédéon in Central Katanga. According to eyewitnesses, the Mai Mai in Mitwaba carry AK 47, machine guns and RPGs.

## Annex 76

**Example of remote motion sensor and night vision camera which could be installed on Rwandan Defense Forces trails between Kinigi and M23 headquarters at Runyoni.**



## Annex 77

### Organisations and representatives which the Group officially met with during this mandate.

**Democratic Republic of the Congo**

*Government*

Administration provinciale du Nord Kivu
Administration provinciale du Sud Kivu
Administration provinciale du Maniema
Agence nationale de renseignement
Auditorat militaire
Banque Centrale du Congo
Centre d'évaluation, d'expertise et de certification
Direction générale des migrations
Direction Générale des douanes et accises
Forces armées de la République démocratique du Congo
Ministère des mines
Institut congolais pour la conservation de la nature
Police nationale congolaise
Police des mines
Régie des voies aériennes
Service d'appui et d'assistance au *small-scale mining*

*Private sector*

AR Gold
Fédération des entreprises du Congo
TTT Mining
Clepad
Africa Mining Group
Huyaing
Lekmining
Maison Nikele
Maniema Mining Company
Maniema Moto
Metachem
Minérales Industries Métallurgiques
North Kivu comptoirs association
Services Air
Société Commerciale Industrielle d'explosif

*Organizations*

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
Office of the United Nations High Commissioner for Human Rights

United Nations Development Programme
United Nations Office on Drugs and Crime
Observatoire du Gouvernance et Paix
Pact
Caritas
Innovation for the Development and the Protection of the Environment
Catholic University of Bukavu
Development Bank of Southern Africa
Human Rights Watch
Union pour le développement et la protection de l'environnement
Programme transitionnel de demobilization et réintégration de la Banque Mondiale
Joint Information and Operations Centre
Commission Justice et Paix
Centre d'Etudes Pour l'Action Sociale
EUSEC
Coopérative Des Artisanaux Miniers du Congo

**Rwanda**
*Government*
Ministry of Foreign Affairs and Cooperation
Ministry of Defence
GMD

*Private sector*
Phoenix Metals
Minerals Supply Africa

**Burundi**
*Government*
Ministry of Mines
Office burundais des recettes
National Police
National Intelligence Service
National Defence Force

*Private sector*
Wolfram Mining and Processing

**Uganda**
*Government*
Ministry of Foreign Affairs
Ministry of Defence
Ministry of Energy and Mines
Civil Aviation Authority

Interpol Uganda
Office of the President
Uganda Police Force

*Private sector*
Uganda Commercial Impex Limited

**Kenya**
*Government*
Ministry of Foreign Affairs
Kenya Civil Aviation Authority
Kenya Ports Authority
Kenya Revenue Authority
Kenya Police
National Focal Point on Small Arms and Light Weapons

*Organizations*
International Crisis Group
Regional Centre on Small Arms (RECSA)

*Diplomatic representations*
Embassy of Belgium

**Republic of South Africa**

*Private sector*
Amalgated Metal Corporation
Traxys
Yunnan Tin Company
Malaysia Smelting Corporation

*Organizations*
Electronic Industry Citizenship Coalition

**United Republic of Tanzania**
*Government*
Ministry of Foreign Affairs
Ministry of Migration
Ministry of Defence
Ministry of Mines
Tanzania Ports Authority
Mzinga corporation

*Private sector*
Federal Bank of the Middle East

**United Arab Emirates**
*Government*
Ministry of Foreign Affairs
Federal Customs Authority
Dubai Multi-Commodities Centre

*Private sector*
Kaloti Jewellery
Emirates Gold

**Belgium**
*Government*
Ministry of Foreign Affairs
Ministry of Justice
Ministry of Defence

*Organizations*
Institute of Development Policy and Management
Channel Research
International Peace Information Service

**France**
*Government*
Ministry of Foreign Affairs

*Organizations*
Organization for Economic Cooperation and Development
German Federal Institute for Geosciences and Natural Resources

**United States of America**
*Organizations*
Enough
Oxfam International
Refugees International
Resolve
Crisis Action

*Diplomatic representations to the United Nations*
Permanent Mission of the Democratic Republic of the Congo to the United Nations
Permanent Mission of Azerbaijan to the United Nations
Permanent Mission of South Africa to the United Nations

Permanent Mission of Colombia to the United Nations
Permanent Mission of China to the United Nations
Permanent Mission of France to the United Nations
Permanent Mission of Germany to the United Nations
Permanent Mission of Kenya to the United Nations
Permanent Mission of Rwanda to the United Nations
Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations
Permanent Mission of the United States of America to the United Nations
Permanent Mission of Portugal to the United Nations
Permanent Mission of Pakistan to the United Nations
Permanent Mission of India to the United Nations
Permanent Mission of Uganda to the United Nations
Permanent Mission of the United Arab Emirates to the United Nations
Permanent Mission of the Russian Federation to the United Nations
International Criminal Police Organization

**United Kingdom**
*Government*
Ministry of Foreign Affairs

*Organizations*
International Tin Research Institute
LBMA